

Notice of Meeting

THE EXECUTIVE

Tuesday, 11 August 2009 - 5:00 pm
Council Chamber, Civic Centre, Dagenham

Members: Councillor L A Smith (Chair); Councillor R C Little (Deputy Chair); Councillor J L Alexander, Councillor G J Bramley, Councillor S Carroll, Councillor H J Collins, Councillor R Gill, Councillor M A McCarthy, Councillor Mrs V Rush and Councillor P T Waker

Date of publication: 31 July 2009

R. A. Whiteman
Chief Executive

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AGENDA

1. **Apologies for Absence**
2. **Declaration of Members' Interests**

In accordance with the Council's Constitution, Members are asked to declare any personal or prejudicial interest they may have in any matter which is to be considered at this meeting.
3. **Minutes - To confirm as correct the minutes of the meeting held on 28 July 2009 (Pages 1 - 3)**
4. **Proposed Designated Public Places Order at Martin's Corner (Pages 5 - 17)**
5. **Tendering of an Alternative Education Provision for Year 11 Children (Pages 19 - 24)**
6. **Cambell Infant School - Procurement of New Classrooms to Replace Temporary Accommodation (Pages 25 - 29)**
7. **Any other public items which the Chair decides are urgent**
8. **To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.**

Private Business

The public and press have a legal right to attend Council meetings such as the Executive, except where business is confidential or certain other sensitive information is to be discussed. The list below shows why items are in the private part of the agenda, with reference to the relevant legislation (the relevant paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 as amended). ***There are no such items at the time of preparing this agenda.***

- 9. Any other confidential or exempt items which the Chair decides are urgent**

THE EXECUTIVE

Tuesday, 28 July 2009
(5:00 - 5:30 pm)

Present: Councillor L A Smith (Chair), Councillor R C Little (Deputy Chair), Councillor G J Bramley, Councillor S Carroll, Councillor R Gill, Councillor Mrs V Rush and Councillor P T Waker

Also Present: Councillor J E McDermott

Apologies: Councillor J L Alexander, Councillor H J Collins and Councillor M A McCarthy

35. Declaration of Members' Interests

None declared.

36. Minutes - 7 and 14 July 2009

Agreed.

37. Valence House Redevelopment Scheme - Progress Update

Received a report from the Corporate Director of Adult and Community Services concerning progress of redevelopment work on Valence House Museum.

The aim is to deliver a high quality venue for the borough which provides activities for young people, a resource for learning about the borough's heritage for all ages and a focus to bring the community together.

Agreed, in order to assist the Council to achieve its Community Priorities of a Clean, Green, Sustainable Borough of Opportunity for all Young People, to:

- (i) Note progress in the completion of the Valence House redevelopment scheme; and
- (ii) The return of £200,000 to the Capital Programme, to be held centrally in reserve until the resolution of all scheme risks.

38. National Indicator Performance Report

Received a report from the Corporate Director of Resources regarding the borough's end of year 2008/09 performance against the Local Area Agreement (LAA) Indicators.

The borough's performance is above the London average in areas such as:

- Young people's participation in positive activities;
- The gap in attainment of Level 3 at age 19 in each Local Authority between

those young people who were in receipt of free school meals at academic age 15 and those who were not; and

- Narrowing the gap between the lowest achieving 20% in the Early Years Foundation Stage Profile and the rest.

Noted however that a focus on performance is required in the following areas:

- Housing;
- Attainment;
- NEETS (Not in Employment, Education or Training);
- Obesity;
- Teenage Pregnancy; and
- Place Survey Indicators – Overall satisfaction and percentage of people who believe people from different backgrounds get on well.

Agreed, in order to assist the Council to achieve all of its Community Priorities, to:

- (i) Note the performance of the LAA Indicators overall; and
- (ii) Note the changes in performance and key projects related to the poorly performing indicators.

39. Rights of Way Improvement Plan

Received a report from the Chief Executive regarding the Rights of Way improvement Plan (ROWIP) which has been prepared following a period of public consultation.

The ROWIP is intended to be the prime means by which the Council identifies the changes to be made in respect of the management and improvement of the local Rights of Way network, in order to meet the Government's aim of better provision for walkers, cyclists, equestrians and people with mobility problems.

Agreed, in order for the Council to achieve all of its Community Priorities, to recommend the Assembly to adopt the Rights of Way Improvement Plan and support its continued development and implementation.

40. Approval of Draft Hot Food Takeaways Supplementary Planning Document

Received a report from the Chief Executive regarding consultation on the draft Supplementary Planning Document (SPD) which focuses on the health impacts of hot food takeaways.

The SPD aims to reduce the risk of obesity amongst the borough's population, particularly children, by:

- Reducing opportunities for new hot food takeaway shops, especially those in proximity to schools;
- Seeking developer contributions from new takeaways towards initiatives to tackle obesity;
- Working with hot food takeaways to improve the nutritional value of the food they sell; and

- Improving the opportunities to access healthy food in new developments.

Agreed, in order to assist the Council to achieve its Community Priority of a 'Healthy' borough, to approve the "Saturation Point – Addressing the Health Impacts of Hot Food Takeaways" Supplementary Planning Document:

- (i) for consultation until the end of September 2009, with Schools and Children's Centres to be included in the consultation; and
- (ii) as a material consideration by Development Management.

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THE EXECUTIVE

11 AUGUST 2009

REPORT OF THE CORPORATE DIRECTOR OF ADULT & COMMUNITY SERVICES

Title: Proposed Designated Public Places Order in Martin's Corner	For Decision
<p>Summary</p> <p>Following concern from residents and Members, this report proposes the designation of an area around the area known locally as Martin's Corner. Within this area there will be an additional restriction on public drinking of alcohol from bottles or cans, as a further measure to tackle instances of anti-social behaviour.</p> <p>In the early months of 2009 the Community Safety Team received complaints from members expressing concern about alcohol-related disorder in Martin's Corner. An effective solution is proposed in utilising the power given to the Council under Section 13(2) of the Criminal Justice and Police Act 2001. The Act enables the Council to make the area a 'Designated Public Place', sometimes referred to as an 'alcohol control zone'. Following the designation, if a Constable or a Police Community Support Officer has reason to believe a person is consuming alcohol within the zone, s/he can require the person to stop consuming and surrender the alcohol. Failure to comply without reasonable excuse is an offence for which a person can be arrested and carries a £500 maximum fine.</p> <p>Legislation requires that a decision to make a Designation must be carried out by full Council, which for the purposes of the London Borough of Barking and Dagenham is the Assembly.</p> <p>Wards Affected: Mayesbrook and Parsloes</p>	
<p>Recommendations:</p> <p>That the Executive commends this proposal to the Assembly for decision, and asks officers to take the necessary steps to ensure that the Designated Public Place Order can be implemented as quickly as possible following its agreement by Assembly.</p>	
<p>Reason:</p> <p>The designation of this area as an 'alcohol control zone' will assist in dealing with alcohol related disorder which is a key priority for residents in this area.</p>	
<p>Implications:</p> <p>Financial:</p> <p>The estimated cost of designating this area as a 'Designated Public Place' is approximately £2,000. This total includes the cost of advertising in the local newspaper, producing the consultation letters to all premises within the area and delivering them, which has already been undertaken in order to inform this report, and the cost of erecting suitable signs at key locations in the zone. The money is available from within existing resources.</p>	

There is a small implied recurring cost for the renewal or refresh of signs from time to time, which is not significant within the overall anti-social behaviour programme budgets.

Legal:

The legal implications of designating an area as an alcohol control zone are discussed in the body of this report, which has been prepared in consultation with the Council's Legal Service.

Social Inclusion and Diversity:

The Race Relations (Amendment) Act 2000 places a requirement on local authorities to make an assessment of the impact of new and revised policies in terms of race equality. Existing policies have already been subjected to impact assessments. This Authority has adopted an approach of extending the impact to cover gender, disability, sexuality, faith, age and community cohesion.

A number of equalities issues have been identified with the introduction of this new enforcement option. At the most basic level, all signage is pictorial to ensure that they can be understood by people who do not speak English as their first language or who have literacy or learning difficulties. More importantly, data will be requested of the Metropolitan Police to enable the Council to review the enforcement of the zone and whether it impacts disproportionately on any equalities group. No structural reason can be identified at present that should imply a disproportionate effect on any one group.

Crime and Disorder:

Section 17 of the Crime and Disorder Act 1998, as amended by subsequent legislation, places a responsibility on local authorities to consider the implications of any proposals on crime, disorder, anti-social behaviour, drug/alcohol misuse or factors adversely affecting the environment.

Alcohol-related disorder has been identified as an issue in this part of the Borough, and is raised as a consistent concern of local residents. Such disorder has the potential to generate violent crime, but also has an adverse effect on the local environment through the careless disposal of cans and bottles and the associated detrimental effect this has on residents' feelings of safety.

Contact:

Glynis Rogers

Job title:

Head of Community Safety
and Neighbourhood Services

Contact Details

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glynis.rogers@lbbd.gov.uk

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1. Background

- 1.1 In the early months of 2009 increasing concern was expressed about the anti-social behaviour of a small group of adults who were engaging in drinking alcohol in the

street at Martin's Corner. Residents and users of this area reported problems with groups of people drinking outside a betting shop in the area and the adjoining side streets and that this was resulting in an increased number of incidents of disorder. Meetings were held with the premises who sell alcohol in the area and the local police Safer Neighbourhood Team and a number of strategies were tried to deal with this issue. These strategies included issuing warnings and directions to leave the locality to the individuals who were drinking in this location and work with the licensed premises to make their access to alcohol more difficult.

- 1.2 On the 2 June 2009 a strategy meeting was held with the Metropolitan Police to look at what measures could be employed to reduce alcohol related disorder in this location. It was agreed that a Designated Public Places Order (or 'alcohol control zone') would be an appropriate response to the issues.
- 1.2 The proposed Designated Public Place is fully described in the draft Notice (Appendix 1) and the map of the proposed area (Appendix 2).

2. Legal Process

- 2.1 The function of Designation of a Public Place under the Act is an activity, which is excluded from the powers of an Executive by the Local Authorities (Function and Responsibilities) Regulations 2000.
- 2.2 This designation must be made by the Council as Assembly. It must resolve to make a specified area a Designated Public Place under the Act for which there is controlled alcohol consumption.
- 2.3 Once a problem has been identified, for which a Designated Public Places Order may be appropriate, the steps to create a Designated Public Place are as follows:-
 - (i) The Council must consult with the Police and Licensees of any licensed premises in the proposed Designated Public Place, or whom they may consider will be affected;
 - (ii) The Council must take reasonable steps to consult with the owners or occupiers of any land identified which may be affected;
 - (iii) An advertisement carrying a Notice must be placed in a local newspaper, identifying specifically the area that the Order will cover, setting out the effect of the Order and inviting representation with 28 days for representations;
 - (iv) The Order is made by the Assembly;
 - (v) Following the making of the Order by the Assembly a further Notice must be placed in a local newspaper identifying the place, setting out the effect and the date of commencement;
 - (vi) The Council must ensure that there are sufficient signs for the public to draw their attention to the place covered by the Order;
 - (vii) A copy of the Order must be sent to the Secretary of State and Police Commander for the area.

3. The Practical Effect of the Order

- 3.1 The effect of the Order is to give the Police the power to require a person in a Designated Public Place not to drink alcohol in that place where the Police Officer reasonably believes the person is, has, or intends to, drink alcohol. Further they must surrender up to the Police Officer any other alcohol containers in their possession. Failure to comply with an officer's requirement in respect of public drinking or surrender of alcohol without reasonable excuse is an arrestable offence. A Police Support Officer can also exercise this power.
- 3.2 A person guilty of such an offence would be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale, which is currently £500.
- 3.3 It is not the case that the order creates an offence of drinking in a public place. It is an additional tool for the Police when enforcing order in the area which it covers, such that it is an offence not to dispose of or surrender the alcohol when asked to do so.
- 3.4 A copy of the draft Notice is to be found at Appendix 1 of this report. A copy of the proposed sign is to be found at Appendix 2 of this report.

4. Consultation

- 4.1 Consultation letters have been sent to all 180 premises within the proposed area and a Notice has been placed in the local press. A copy of the consultation letter and press Notice can be found at Appendix 3.
- 4.2 As the area in question is a shopping parade and many of the users of this area may not live within the proposed zone but would be effected by it, on the 6 July officers from the Community Safety Team and Mayesbrook Safer Neighbourhood Team also consulted with shop users. 41 people completed questionnaires on this date and all those who completed questionnaires were in favour of the area being designated as a controlled drinking area. Several people commented that 2 amenity greens should also be included within the area and so these areas have now been included.
- 4.3 We have received 57 responses in total. All the responses strongly welcomed this proposal and a high percentage of the responses thanked the Council for considering this proposal and see it as a positive move to deal with alcohol related disorder in the location.
- 4.4 Consultation on the preparation of this report has been undertaken with the Metropolitan Police Service and has their full support.

5. Consultees

- 5.1 Councillor Alexander, Cabinet Member for Safer Neighbourhoods and Communities
Councillor Buckley, Mayesbrook Ward Member
Councillor Hunt, Mayesbrook Ward Member
Councillor Knight, Mayesbrook Ward Member
Councillor Collins, Parsloes Ward Member

Councillor R. Doncaster, Parsloes Ward Member
Councillor Tuffs, Parsloes Ward Member
Rob Whiteman, Chief Executive
Anne Bristow, Corporate Director of Adult and Community Services
Fiona Taylor, Deputy Legal Partner
Steve Whitelock, Group Manager Adult and Community Services
Darren Henaghan, Head of Environmental and Enforcement Services
Chief Inspector Dunn, Metropolitan Police Service

Background Papers Used in the Preparation of the Report

The Criminal Justice and Police Act 2001

Appendices

1. Draft Notice
2. Map of proposed area of the DPPO
3. Consultation letter and Notice in the press

Appendix 1

NOTICE

LONDON BOROUGH OF BARKING AND DAGENHAM DESIGNATION ORDER PURSUANT TO SECTION 13 OF THE CRIMINAL JUSTICE AND POLICE ACT 2001

The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001

ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES

The Council of the London Borough of Barking and Dagenham proposes to make an Order pursuant to Section 13 of the Criminal Justice and Police Act 2001 (the "Act") designating public places in Wood Lane and the surrounding area (the area commonly known locally as Martin's Corner) within the boundaries of the London Borough of Barking and Dagenham and more particularly described in the schedule below, for the purposes of Sections 12-16 of the said Act:-

SCHEDULE OF DESIGNATED PUBLIC PLACES

Wood Lane	Hewett Road
Martin Road	Valence Avenue
Martin Gardens	Parsloes Avenue
Bowes Road	Porters Avenue
Babington Road	Longbridge Road

AND all those other public places within the area shown edged red on the plan annexed thereto (a copy of the plan being available for inspection at the Town Hall Barking).

DEFINITION OF PUBLIC PLACE

"Public place" means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission (Section 16(1) of the said Act.)

THE EFFECT OF THE ORDER

The effect of such an Order is that the Police have the power to require a person, in such public place, not to drink alcohol in that place where the officer reasonably believes the person is, has or intends to do so, and to surrender any alcohol containers in the person's possession. Failure to comply with an officer's requirement in respect of public drinking or surrender of alcohol, without reasonable excuse, is an arrestable offence. A person guilty of such an offence will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (currently £500). (Section 12 of the said Act).

Exclusions

Excluded from the Order will be:-

Any area which is within the cartilage of any licensed premises or registered club;
Any place where the sale of alcohol has been authorised by virtue of an occasional license or permission;
Any place where the Council has granted a permit pursuant to Section 115 (E) Highways Act 1980.

Any person wishing to make representations on the proposal should make them in writing to the Strategic Group Manager – Community Safety, 3rd Floor Roycraft House, 15 Linton Road, Barking, Essex IG11 8HE.

.....
Chief Executive

Appendix 2

Attached overleaf is a map of the proposed zone.

Appendix 3

3rd Floor Roycraft House
15 Linton Road
Barking Essex
IG11 8HE

Date: 15 June 2009

Dear Sir or Madam

Proposed Designated Public Places Order (“Alcohol Control Zone”)

Barking and Dagenham is a safe place to live. However, we have received a number of reports concerning alcohol-related disorder problems in the area around Martin’s Corner and surrounding roads. The Council, working in partnership with the Metropolitan Police, is keen to tackle this anti-social behaviour, so that we can continue to make Barking and Dagenham safer, and to make it feel safer for local residents.

In 2001 the Criminal Justice and Police Act and the Associated Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 provided the Council with the power to designate areas in which consuming alcohol can be controlled. The Council proposes to designate an area around Martin’s Corner as just such an ‘alcohol control’ zone. This would permit constables to act in situations where the consumption of alcohol within that area is causing a disturbance to others.

The 2001 Act states that if a constable (including Police Community Support Officers) reasonably believe that a person is, or has been, consuming alcohol in a designated public place, or intends to consume it there, the constable can require the person to surrender the alcohol. Failure to comply without a reasonable excuse is an offence for which people can be arrested and has a £500 maximum fine.

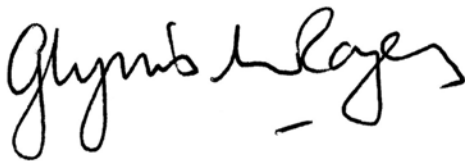
This does not mean that people are not allowed to drink alcohol in their private gardens, beer gardens or pavement cafes attached to licensed premises. They would also not be prevented from carrying unopened containers purchased for consumption in areas that are not designated. Police officers are unlikely to be able to stop all incidents of drinking in public places in the zone, but it does provide police with an additional power to tackle alcohol-related disorder.

Before making an order the Council is required to consult to obtain the views of interested parties. This includes you, since your property, business or land falls within the area which we are proposing to designate. Please find a map of the proposed area of the designation for your information.

Attached to this letter is a reply slip to complete on which you can give us your views as to whether you support such an order being made, together with a space for any comments you may wish to make. This needs to be returned by 10 July 2009.

If you have any further questions or queries please contact Katherine Gilcreest, Anti-Social Behaviour Manager, on 020 8215 3010 or katherine.gilcreest@lbbd.gov.uk

Yours faithfully

A handwritten signature in black ink that reads "Glynis Rogers". The signature is written in a cursive style with a horizontal line under the name.

Glynis Rogers
Head of Community Safety and Neighbourhood Services



Designated Public Place Order- Martin's Corner

- I do agree with the proposal to designate the area on the map as a Designated Public Place

- I do not agree with the proposal to designate the area on the map as a Designated Public Place

Comments

Name:

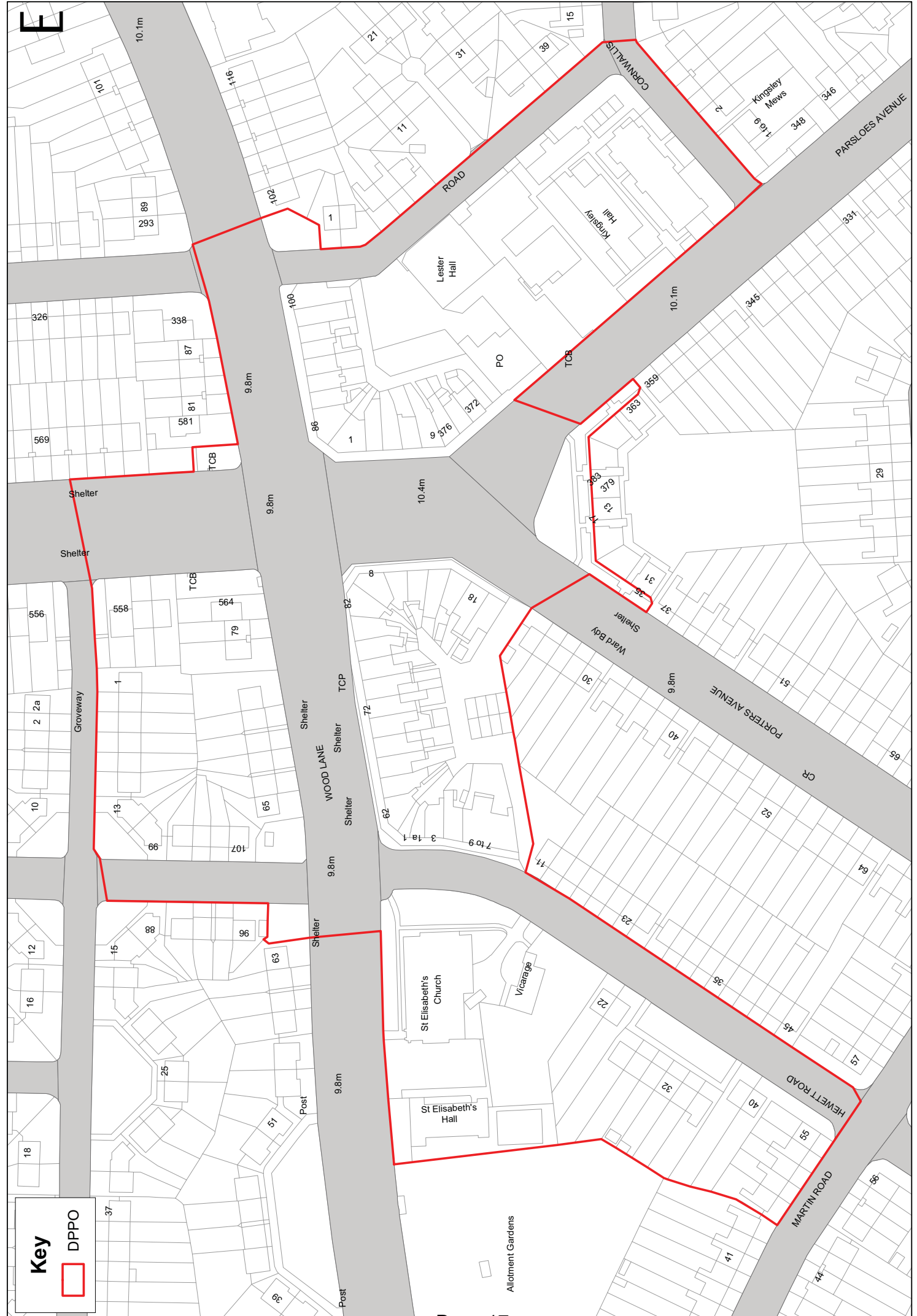
Address:

Telephone:

Please return in the pre-paid envelop provided

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THE EXECUTIVE

11 AUGUST 2009

REPORT OF THE CORPORATE DIRECTOR OF CHILDREN'S SERVICES

Title: Tendering of an Alternative Education Provision for Year 11 Children	For Decision
Summary:	
<p>This report concerns the tender of an Alternative Education Provision for Year 11 Children, and to identify a provider to deliver this service from September 2010 for a period of up to five years (a three year contract with provision to extend for a further two years).</p> <p>Local authorities have a statutory duty to deliver alternative provision for children or young people who have been permanently excluded from schools. The provision also covers children who have excluded for fixed periods of six or more days, and also to meet the needs of other pupils who would benefit from alternative provision for short periods.</p> <p>The Council has taken a flexible approach and is delivering several different models of alternative education provision – Campbell Additional Resource Provision (ARP), Secondary ARP, Compass Focus Group, Reception and Reintegration Unit and Lifeline's provision.</p> <p>The current provider Lifeline has been delivering alternative education provision in the borough for 4 years. It provides full time education to 30 Year 11 pupils who have been excluded or who have attendance problems or who are new to the Borough for whom there is no place in a B&D school.</p> <p>This report is seeking approval from the Executive Committee to tender the alternative education provision.</p> <p>The new service will be tailored around the pupil's needs, both educationally, vocationally and wider – including any special educational needs which may not have been adequately identified and met. The Service will also offer the opportunity for some of the cohort to take GCSE's or gain formal vocational qualifications.</p>	
Wards Affected:	
All	
Recommendation(s)	
The Executive is asked to :	

1. Approve the procurement of an Alternative Education Provision for a period of five years (three years with an option to extend for a further two years dependent upon funding and satisfactory performance).
2. In accordance with the Council's Constitution Contract Rules paragraph 3.6, to advise whether it wishes to have any further involvement in the tender and award process.

Reason(s)

To assist the local authority to achieve all of its Community Priorities.

Implications:

Financial:

Previous contractual funding arrangements

The current contract is for a value of £171,000.00 per academic year.

The Local Authority has a statutory duty to deliver this service and to identify a competent provider to deliver this service and test the market on periodical basis.

New contractual funding arrangements

The new contract will be continued to be funded from Dedicated Schools Grant (DSG) with a value of £240,000.00 to £300,000.00 per academic year depending on accepted tender price. Total value of contract (including contract extension clause of 2 years) £1,200,000 to £1,500,000.

Funding of this service has been in place since September 2005 and the additional funding required for the proposed new contract will continue to be available from the Dedicated School Grant for the proposed contract period.

Legal:

The Council has power to enter into contracts for the provision of Alternative Education Services ("the Service") under section 1 of the Local Government (Contracts) Act 1997 on the basis that such Service is properly required for the discharge of the Council's duties.

It is anticipated that the estimated value of the Service will be in excess of the threshold for application of the Public Contracts Regulations 2006 (the Regulations), of £139,893. It should be noted, however, that this Service is classified as a Part B Service under the Regulations and not subject to the full application of the Regulations. Accordingly the procurement shall be undertaken in accordance with the requirements of the Regulations for Part B Services and the Council's Contract Rules and Code of Practice.

The conditions of contract to be entered into between the Council and the successful tenderer are yet to be agreed and Legal Services shall advise on the implications thereof upon receipt of instructions.

In deciding whether to award contract, the Council must comply with the principles of administrative law including taking into account all relevant considerations, the outcome of the valuation of each of the tenders and their financial implications. In particular in order to comply with the Council's fiduciary duty and duty to ensure Best Value, the Council must be satisfied that the tenders represent value for money for the Council.

Risk Management:

The current provider of the alternative education provision, Lifeline has a contract up to 31 July 2010. The undertaking of the tendering process from August 2009, will allow us enough time to identify a competent provider to deliver this service.

The long lead in time will also allow us to either TUPE staff across from the current provider or recruit a competent teaching team to support the cohort of children currently accessing this service. The timetable will also allow a prospective new provider the opportunity to recruit a team in April, traditionally when the majority of teaching recruitment takes place.

By advertising this service on various procurement and Department for Children, Schools and Families (DCSF) websites we should identify a number of providers able to deliver this service.

The service will ensure that the Council is able to meet their statutory duties under the Disability Discrimination Act 1985 and to ensure the provision of equality of access to the curriculum for all children including disabled children and those with special educational needs.

During the delivery of this service the quality of the provision will be maintained by written contractual arrangements will contribute to ensuring a quality service – through a robust specification and on-going service review – which will take place on a termly basis with the Operational Manager, Children's Service Commissioning & Procurement Team and the Provider.

Social Inclusion and Diversity:

The Race Relations (Amendment) Act 2000 places a requirement on local authorities to make an assessment of the impact of new and revised policies in terms of race equality. Existing policies have already been subjected to impact assessments. This Authority has adopted an approach of extending the impact to cover gender, disability, sexuality, faith, age and community cohesion. As this report does not concern a new or revised policy there are no specific adverse impacts as far as this report is concerned.

Crime and Disorder:

Section 17 of the Crime and Disorder Act 1998 places a responsibility on local authorities to consider the crime and disorder implications of any proposals. There are no specific implications insofar as this report is concerned.

Contact Officer:	Title:	Contact Details:
David Larbi	Inclusion Officer Pupil Placement	020 8724 1080 david.larbi@lbbd.gov.uk
Paul Burgin	Commissioning Officer	020 8227 3485 paul.burgin@lbbd.gov.uk

1. Introduction and Background

- 1.1 Around 135,000 children of compulsory school age every year receive alternative provision and around 70, 0000 pupils do so at any one time. About one third are educated in Pupil Referral Unit, including some as an early intervention measure while remaining on their mainstream school roll. The remainder attend settings in the private and voluntary sector.
- 1.2 Local authorities have a statutory duty to deliver alternative provision for children or young people who have been permanently excluded from schools. The provision also covers children who have excluded for fixed periods of six or more days, and also to meet the needs of other pupils who would benefit from alternative provision for short periods.
- 1.3 The Council has taken a flexible approach in delivering several different models of alternative education provision from Campbell Additional Resource Provision (ARP), Secondary ARP, Compass Focus Group, Reception and Reintegration Unit and Lifeline's provision

2. Current Position

- 2.1 Lifeline has been delivering alternative education provision for 4 years. It provides full time education to Year 10 and Year 11 pupils who have been excluded or who have attendance problems or who are new to the Borough for whom there is no place in a B&D school.

We are seeking to identify a provider to deliver an alternative education service which will deliver academic and vocational qualifications for year 11 young learners.

3. Report Detail

- 3.1 In accordance with European and Council procurement rules, we will be advertising our intension to tender for this service on the following websites: Council, Supply2Gov websites and via the National Database of Providers of Alternative Provision collated by the DCSF.

Interested parties will be invited to tender on the basis of a two-stage process. The first stage will be to invite expressions of interest requiring the completion of a pre-qualification questionnaire which will be assessed against the responses given. This will result in a shortlist of up to six preferred providers being invited to tender.

The evaluation of tender submissions will be based on a weighted quality/cost matrix (70/30), which tenders are advised of before tendering. This will enable a fair and even handed approach to be taken.

The weightings will be as follows:

Service Delivery	20%
Management and staffing	10%
Evaluation, Monitoring and performance	25%
Communication	15%
Interview and presentation	30%

In addition, an evaluation of the price will be carried out, to ensure potential suppliers offer fair and competitive prices that are consistent with the service outline. Contracts will be awarded to the successful provider/s for a period of 3 years, with an option to extend for a further 2 years dependent upon future availability of funding and satisfactory performance.

The total contract value for the alternative education service over a three year period, plus 2 year extension period is expected to be between £1,200,000.00 - £1,500,000.00 – dependent on agreed tender price.

There will be TUPE implications for staff currently employed in the delivery of this service and time has been allowed in the project plan to facilitate any required meetings in respect of this and to ensure continuity of service to service users.

In accordance with Council rules the contract will be let with approval of the Chief Officer and the 151 Officer (Chief Financial Officer) if the Executive decide that they do not wish to be further involved in the procurement of this Inclusion Service.

Expected Outline Timetable

Action	Date
Executive Approval	11 August 2009
Advertise	20 August 2009
Expressions of interest to be returned	8 September 2009
Despatch and complete tender documents	14 September – 2 November 2009
Interviews to be conducted	16 November 2009
Approval from Chief Officers and 10 day standstill period	23 November 2009
Contract Award	11 December 2009
Facilitate possible TUPE meetings between providers	18 December 2009
Contract Delivery	1 September 2010

Expected saving or benefits for the Council

The tender process will ensure value for money. The new contractual arrangements will ensure an enhanced specification for the service and a number of safeguarding issues will also be addressed. This will bring further benefits to the service and service users. Monitoring procedures will also ensure an enhanced quality of service. There will be termly monitoring reviews and the provider must complete a revised monitoring form before these reviews.

The monitoring form will collect information around the service and will be based around the contract, service specification and outcomes. The monitoring information collected each term will be compared to previous terms. It is expected that quality surveys will also be conducted by the provider and the Council.

4 Consultees:

Cllr Rocky Gill ,Cabinet Member for Education and Children's Wellbeing
Roger Luxton ,Corporate Director of Children's Services
Eldred Taylor-Camara, Deputy Head of Procurement , Property and Planning Legal
Yinka Owa, Legal Partner
David Robins, Group Manager Procurement & Efficiency
David Tully, Group Manager Children's Service Finance
Meena Kishinani, Head of Children's Policy & Trust Commissioning
Ann Jones,Group Manager Education Inclusion

Background Papers Used in the Preparation of the Report:

- (i) Back on Track - A strategy for modernising alternative provision for young people" (DCSF).
- (ii) Guidance on "Commissioning Alternative Provision" (DCSF)

THE EXECUTIVE

11 AUGUST 2009

REPORT OF THE CORPORATE DIRECTOR OF CHILDREN'S SERVICES

Title: Cambell Infant School – Procurement of New Classrooms to replace Temporary Accommodation	FOR DECISION
<p>Summary:</p> <p>This report explains the need to replace some of the accommodation currently used as classrooms at Cambell Infant School. The School has had to manage with poor quality and borrowed accommodation for a number of years with the nursery being located at the other side of the Cambell Junior School. As more pupils enter the school system it is necessary to rationalise provision particularly for younger children.</p> <p>The report seeks approval from the Executive to proceed with the formal procurement of the Phase 3 scheme of works utilising funding from the Exceptional Basic Need Grant which has been secured from the Department for Schools, Children & Families (DCSF), a Section 106 planning gain and contribution from the Government's Primary Capital Programme.</p> <p>Ward Affected: Goresbrook</p>	
<p>Recommendations:</p> <p>The Executive is asked to:</p> <ul style="list-style-type: none"> (i) Approve the procurement route as set out in the report at section 3 for the tendering of this project through a single stage design and build contract package utilising the Council's construction framework; (ii) Authorise the Corporate Director of Children's Services to determine the detailed tender evaluation criteria prior to the commencement of the tender process, on the basis that the principle criteria is on a quality [40%] and price [60%] split; (iii) Indicate whether it wishes to have any further involvement in the tender process; (iv) Note the financial position as set out in the report. 	
<p>Reason:</p> <p>To assist the Council to achieve its Community Priority of "Inspired and Successful".</p>	
<p>Implications:</p> <p>Financial:</p> <p>Funding for this scheme is available within the funding streams for Exceptional Basic need and as part of the Primary Capital Programme pot and through Section 106 planning gain. It is suggested that the total cost of the scheme to cover enabling works, build cost, fitting out and fees would be £2m and this sum is set aside to fund the project designated in the Capital Programme. The construction phase, or build cost is expected to be in the region of £1.4m.</p> <p>There will be revenue costs associated with these buildings and this will be met by the</p>	

school's own delegated budget; as the areas of the building increase, the School will receive funding from the Dedicated Schools Budget that accords with its size.

Legal:

The Council has power to enter into a works contract for the design and build of school premises under section 1 of the Local Government (Contracts) Act 1997 on the basis that such works are properly required for the discharge of the Council's duties.

The report recommends that the Council enters into contractual arrangements under the Council's existing Education and Public Buildings Construction Framework Agreement, negating the need for a full procurement exercise (i.e. OJEU tender notice and pre-qualification process).

Regulation 19.7(b) allows the selection of a contractor from a framework agreement by way of mini-competition. The report confirms that a mini-competition exercise will be conducted by the procuring Department, inviting the panel of contractors from the construction framework agreement to tender under a single stage process using the JCT Design & Build 2005 standard contract conditions.

In accordance with Rule 3.6 of the Council's Contract Rules requiring that all "proposed contracts with a value in excess of £400,000 must be reported to the Executive before any procurement process begins", the procuring Department is seeking the Executive's agreement to proceed with the proposed procurement exercise.

Where permission to proceed is granted by the Executive, the Council must comply with the principles of administrative law in deciding whether to award a contract, including taking into account all relevant considerations, the outcome of the valuation of each of the tenders and their financial implications. In order to comply with the Council's fiduciary duties and the duty to deliver Best Value, the Council must be satisfied that the preferred tender represents value for money for the Council.

There is no legal reason preventing the Executive from agreeing the recommendations in this report.

The Legal Partner, Procurement, Property and Planning should be consulted in agreeing the terms and conditions of the works contract with the successful bidder.

Risk Management:

The provision of this facility will help mitigate the risks of having pupils out of school by providing a modern learning environment.

Social Inclusion and Diversity:

The project will allow us to look at some very specific inclusion issues which need to be addressed at the school, particularly around the building and any new designs will take on board these issues.

Crime and Disorder:

The design of the school will take into account recommendations in terms of designing out crime.

Options Appraisal:

Options considered when planning this project included the possibility of doing nothing. This was discounted, as the impact on the pupil population is significant and some additional pupil places need to be provided in the locality. If the additional places are not provided at Cambell Infants' School, then there could have been pupils out of school in a worse case scenario, or pupils displaced and having to go to schools outside their local area.

Some temporary works have been carried out in the existing building to allow the school to function whilst responding to demand, but this has had an impact on the school's available resources, and the library and group rooms have been lost whilst we secure a permanent solution. The fire in February 2009 has exacerbated that situation and the current temporary arrangements have to be a short term situation, otherwise the school will not be in a position to manage additional pupil demand for September 2010.

Taking all these issues into consideration, it is set out in this report that the provision of additional permanent classrooms with the relocation of the nursery will provide a much improved early years provision (nursery and reception phase classrooms) which will give pupils attending the school a much needed opportunity to get a good start to their education.

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1 Background

- 1.1 The Executive has received previous reports about the extent to which the numbers of pupils are increasing in the Borough and the subsequent need to provide 11,000 additional primary places over the next ten years. For September 2008, provision was made by Cambell Infants School to accommodate an additional 29 pupils. Since then, the School has temporarily lost some of the facilities it enjoys whilst rebuilding takes place because of a fire which occurred in February 2009. The School has had to move its nursery into temporary accommodation whilst the fire reinstatement works are carried out on site.

Through the scheme of works proposed in this Report, we will provide improved nursery and early years facilities at the School.

2 Initial Discussions with the School

- 2.1 The School has been extremely proactive in accommodating the additional class of pupils this past September and recognised that there will be additional pressures for it to take a class of 29 Reception pupils again this September 2009. This interim

arrangement has been made possible by the temporary removal of a resource area and the Library.

- 2.2 An initial discussion with School representatives and the Chair of Governors considered the ways in which we could develop the School and, from that, a design brief has been drafted and subsequently used to inform the Capital Delivery Team about design.
- 2.3 We have an agreement with the School about moving forward and the School is very keen to see suitable buildings made available and feel this will enhance opportunities for children attending the school.

3 Procurement

- 3.1 In order to meet demand for school spaces within this area of the Borough, additional classroom spaces at Cambell Primary School are required by September 2010. This expansion takes the form of various phasing of works which have been hampered since the fire in February.
- 3.2 Phase 3 of Cambell School refurbishment is the proposal for an additional three classrooms, a nursery area, toilet facilities and storage space in the form of a single storey building as an extension to the School, for which planning permission has been submitted. As stated above, the School is currently undergoing fire re-instatement works due to be completed by December 2009.
- 3.3 Asset Management and Strategy Group has advised that Phase 3 should be carried out using a single stage Design and Build procurement route due to timescales in delivering by September 2010. It is recommended to use JCT Design and Build Contract 2005 (Revision 2009), which is a standard form of contract and one of the most commonly used within the construction industry. JCT form of contracts have been used previously by the Council.
- 3.4 Overall, a single stage Design and Build contract should enable the Council to deliver on time and on budget, whilst providing a single point of responsibility without having to procure additional consultants which may add risks to the programme. The majority of risks are transferred to the Contractor with this procurement route and a fully developed performance specification will be in place to reduce the risk of variations or delay that could add additional expense to the scheme.
- 3.5 There is a fully developed risk register for this scheme with controls in place to ensure they are managed; early warnings can be dealt with at an early stage in order to secure the delivery.
- 3.6 The scheme will be delivered using the Council's Construction Framework Agreement for Education and Public Buildings. All four Contractors have been approached to tender for the scheme and have confirmed they will be tendering under a Single Stage Design and Build procurement route.
- 3.7 In accordance with European Procurement Rules for engagement of Framework Contractors under the Council's Framework Agreement, a quality/price tender evaluation is required in the selection of one of the Contractors. It is recognised

that the scheme is of a relatively straight forward design and it is recommended that a 40% quality and 60% price evaluation is applied. The evaluation panel will consist of members of the Children's Services Department and Capital Delivery Unit Team. Price evaluation will be carried out by the appointed Cost Manager, Playle & Partners. The tender evaluation criteria has yet to be determined; however, full details of the evaluation criteria and associated weightings will be incorporated into the Invitation to Tender documentation to inform tenderers of the Council's evaluation mechanism for the selection of a preferred solution.

4 Consultation

4.1 The following Members and officers have been consulted about the content of this report:

Cllr Rocky Gill	Cabinet Member for Education and Children's Wellbeing
Cllr R Barnbrook	Goresbrook Ward Member
Cllr T Lansdown	Goresbrook Ward Member
Cllr W Northover	Goresbrook Ward Member
Rob Whiteman	Chief Executive
Roger Luxton	Corporate Director of Children's Services
Anne Bristow	Corporate Director of Adult & Community Services
David Woods	Corporate Director of Customer Services
Sue Lees	Divisional Director - Strategic Asset Management and Capital Delivery
Bill Murphy	Corporate Director of Resources
Jane Hargreaves	Head of Quality and School Improvement
Joe Chesterton	Divisional Director of Corporate Finance
Yinka Owa	Partner – Procurement, Contracts and Property
David Tully	Group Manager Children's Services Finance

5 Background Papers

5.1 This report takes into account the projection of pupil numbers set out in the 10 year Primary Pupil Places Planning Report – 2006/07 to 2016/17.

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