

## CABINET

18 December 2013

<b>Title:</b> Transfer of Land at Castle Green, Goresbrook Road, Dagenham, for Expansion of Jo Richardson Community School	
<b>Report of the Cabinet Member for Children's Services</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> Thames	<b>Key Decision:</b> Yes
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<b>Accountable Divisional Director:</b> Jane Hargreaves, Divisional Director Education	
<b>Accountable Director:</b> Helen Jenner, Corporate Director Children's Services	
<b>Summary:</b>  Cabinet will be familiar with the need to develop and provide additional school places to respond to demand. One of the projects to meet the increased demand in the secondary school sector relates to the expansion of Jo Richardson Community School.  This proposal would involve the transfer of open space land at Castle Green, shown hatched on the plan at Appendix A, to facilitate the development of a 10 classroom block.	
<b>Recommendation(s)</b>  Cabinet is recommended to:  (i) Approve the appropriation of the area of land shown hatched on the plan number Gores 18.12.13 from Parks and Open Spaces to Children's Services to support the construction of a 10 classroom block at Jo Richardson Community School, subject to the land transfer agreement with the School Governing Body being on a 125 year lease at an initial peppercorn rent and subject to five year rent reviews;  (ii) Approve the procurement of the new building via a two stage design and build contract secured through the Council's approved Construction Framework arrangements;  (iii) Authorise the Corporate Director of Children's Services, in consultation with the Cabinet Member for Children's Services, the Chief Financial Officer and the Head of Legal and Democratic Services, to approve the procurement strategies and award the respective project contracts; and  (iv) Agree that all future land transfer agreements associated with the Council's school expansion programme be via 125 year lease arrangements.	

## **Reason(s)**

The decision will assist the Council in fulfilling its statutory obligations to provide a school place for every child and support the intention of the Community Strategy 2013-16 to “Ensure every child is valued so that they can succeed” ensure children and young people are safe, healthy and well educated. It is part of the mitigation of Corporate Risk 31 – Inability to Provide School Places.

### **1. Introduction and Background**

- 1.1 Cabinet have received regular reports about the continuing demand for school places and the need to develop additional provision. Since the academic year 2007/08 to the present, so over the last 5 years, 4,500 additional primary aged pupils have had to be accommodated. Clearly as pupils progress through their primary school then eventually the Borough will have a demand appearing in the secondary school provision.
- 1.2 Over the last 5 years 2007 to 2013 secondary pupil numbers have increased by 640 pupils, this has been equivalent to 21 classes, and has largely been accommodated through existing provision. We are now at a stage when we need to put some positive action in place with a view to increasing year 7 places for 2015.

### **2. Proposals and Issues**

- 2.1 Following the support from Cabinet at its meeting on 13 November 2012 to expand provision at Jo Richardson Community School – Minute 51, there have been a number of engaged meetings with the school and the Castle Green Manager. An agreement in principle has been set down which would allow for the school to take possession of two teaching rooms in the existing building, and the Castle Green Centre would, in freeing up these spaces it would be possible to develop through the use of capital investment an improved training suite to be used by the school and the community. It would also be necessary for the scheme to provide a revamped school library. This work is subject to the agreement of the cost of the works with BY EDUCATION (BARKING) LIMITED [Bougyues UK]
- 2.2 The second phase of work would be the development of a dedicated 10 classroom block for use by the school to house one of the principle subject areas. This would be procured through the Council’s Construction Framework.

### **3. Budget Provision**

- 3.1 At the Cabinet meeting on 13 November 2012 a provisional budget of £3m was approved. The First phase of work carrying out alterations to the existing PFI building is expected to cost around £150k.

### **4. Options Appraisal**

- 4.1 The development of additional school places in the Borough has been a feature of the priorities for the Council in its primary schools. There is now a need to explore the expansion of secondary schools.

- 4.2 Various schools have been looked at and a programme of expansion has been set out in the Council's Strategy for Ensuring Sufficient School Places 2012/13 – 2020/21. Most schools will require some additional capacity and there will be a need to develop new school sites to cope with the forecast demand of an additional 4,180 pupils over the next 5 years.

## **5. Consultation**

- 5.1 These proposals are Ward specific. There has been consultation with a range of officers throughout the Council in order that appropriate matters are considered including financial, legal, risk management and others mentioned in section 8 of this report. However, it was felt appropriate because of the location of Jo Richardson Community School that a consultation event should be held with Councillors from Thames, Eastbury and Goresbrook Ward.
- 5.2 The Headteacher explained how it was intended to provide new facilities outside of the contracted PFI area to reduce costs and that the new building would house the Maths department of the school. A simple sketch was shown to depict the location and it was felt that a visit outside of the school to view the area would be beneficial.
- 5.3 Councillors present felt that the proposal was sensible and would not be an issue for local residents as the land was adjoining the school next to the side entrance, but consideration needed to be given to any likely impact, and consultation needed to take place as part of the planning process.

## **6. Financial Implications**

Implications completed by: Patricia Harvey Interim Group Manager – Children's Finance

- 6.1 Cabinet approved the total Capital spends of £75.567m at the meeting of the 13 November 2012 in support of future school place demand and Jo Richardson Community School provisional budget allocation of £3m was earmarked for this project.
- 6.2 The PFI scheme will require consideration with regards to revenue implications as part of the Community facilities and usage of the Library and the risks are highlighted in 8.1 of the report.
- 6.3 This funding has been received by the Council from the Department for Education (DfE) as Capital grant in support of the proposed spending programme already approved.

## **7. Legal Implications**

Implications completed by: Jason Ofosu, Acting Senior Property Lawyer

- 7.1 Under section 122 of the Local Government Act 1972 a council has a general power to appropriate land. This section states that a council may appropriate for any purpose any land that belongs to them and the land is no longer required for the purpose for which it is held immediately before the appropriation. The current purpose of the land is parks and open space. In making the decision the Council

would need to consider the public need within the locality for the existing use. If the land is no longer needed for housing then the land may be appropriated.

- 7.2 Special rules apply to appropriation of open space land. Section 232 of the Town and Country Planning Act 1990 requires a local authority before it appropriates to do the following (1) publish a notice of its intention to do for at least two consecutive weeks in a local newspaper and (2) consider any objections to the proposed appropriation which may be made to it.
- 7.3 Section 237 of the Town and Country Planning Act 1990 provides power to override easements and other rights affecting land. Paragraph 4(1) of Schedule 9 of the Planning Act 2008 extends the power to override third party rights and restrictive covenants. As long as the land is validly appropriated for planning purposes, the erection, construction or carrying out the development (by the Council or a person deriving title from the Council) will be authorised if it is done in accordance with planning permission, notwithstanding that it interferes with restrictive covenants and easements. Private rights affected will be overridden and converted into a claim for compensation.

## 8. Other Implications

- 8.1 **Risk Management** - Risk that funding levels will not be sufficient to meet demand to create new school places needed. This risk is high impact (4) and medium (3) probability = 12 red. This risk is being managed by purchasing the most affordable accommodation which is system build where possible. Post control the risk is high impact (4) and low (2) probability = 8 amber. For this proposal it is felt that the risk can be managed within the designated budget of £3m.

Risk that funding levels will not be sufficient to create suitable new school places. This risk is high impact (4) and high (4) probability = 16 red. This risk is being managed by purchasing the most affordable accommodation which is system build, and blending it with site specific proposals. Post control the risk is high impact (4) and low (2) probability = 8 amber. For this scheme discussions are underway to ensure that part of the provision is achieved through internal alterations and that the additional building is secured in the most economical way.

The provision of school places is a matter which is directly identified in the Corporate Risk Register and listed at Corporate Risks 31 – Provision of School Places.

Risk that final costs will be higher than estimate costs. This risk is high impact (4) and high (4) probability = 16 red. This risk is managed through monthly CPMO meetings and initial planning figures that architects and schools are asked to work within being set below the highest estimate to allow for unforeseen challenges.

There are in the short term some revenue risks for the building related costs of the former library located in the building. As the school will eventually have additional pupils and assume a responsibility for some of the additional areas in the existing building these costs will reduce over time.

- 8.2 **Contractual Issues** - Legal, procurement and other professional advice will be sought regarding the appropriate procurement routes and contractual agreements

to procure and secure the project. Cabinet are asked to approve procurement proposals for the project which would allow for the Council's technical team to undertake a competitive procurement through a two stage design and build contract, secured through Council approved framework arrangements.

- 8.3 **Staffing Issues** - There are no specific staffing issues although the growing demand for school places will create additional opportunities in schools for both teaching and non-teaching staff.
- 8.4 **Customer Impact** - The short term impact of the recommendations for the coming year would be positive for customers on all counts of: race, equality, gender, disability, sexuality, faith, age and community cohesion.
- 8.5 **Safeguarding Children** - Adoption of the recommendations in the short term would contribute to the Council's objectives to improve the wellbeing of children in the borough, reduce inequalities and ensure children's facilities are provided in an integrated manner, having regard to guidance issued under the Children Act 2006 in relation to the provision of services to children, parents, prospective parents and young people.
- 8.6 **Health Issues** - In the short term there are no specific implications, but in the longer term the outlook is unlikely to be positive on the proposed funding levels.
- 8.7 **Crime and Disorder Issues** - In the short term there are no specific implications. However, appropriate consideration of the development of this project will take into account the need to design out potential crime problems and to protect users of the building facilities.
- 8.8 **Property / Asset Issues** - This proposed decision would facilitate the improvement and renewal of Council assets, and the development of a new asset. It would require the transfer of a small area of the Castle Green open space immediately adjoining the existing Castle Green/Jo Richardson buildings from Parks and Open Spaces to Children's Services as depicted on the Plan Gores 18.12.13.

**Background Papers Used in the Preparation of the Report:** None

**List of appendices:**

- **Appendix A** - Plan number Gores 18.12.13.