

Report of the Director of Children's Services

Appendix B: Decision to delay implementation of opening and Design and Cost Report for Nightingale Primary Academy Basic Need Project 2013; Capital Scheme Number: 16505/FLS/000



| | | |
|--|---|--|
| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Harehills, | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Summary of main issues

- 1 The purpose of this report is to seek Executive Board's approval:
 - for the opening of the Nightingale Academy on 1 September 2014
 - to incur capital expenditure of £10,026.3k and seek Authority to Spend to build a 2 Form Entry (2FE) 420 pupil primary school with a 26 place nursery.
- 2 It is necessary to build this new school due to the rapidly increasing birth rate in Leeds and the demand for pupil places in the Harehills area.
- 3 The project is being delivered by Children's Services in partnership with Leeds City Council Public Private Partnership Unit (PPPU) and Norfolk Property Services (NPS)

Recommendations

Executive Board is asked to:

- Approve the opening of the Nightingale Academy on 1 September 2014.
- Authorise programme expenditure of £10,026.3k and Authority to Spend from capital scheme number 16505/FLS/000 to build the new Nightingale Primary Academy at Florence Street.
- Note the programme dates identified in this report in relation to the implementation of this decision. The final delivery date for this scheme is September 2015.

- Note that the Director of Children’s Services is responsible for implementation.

1. Purpose of this report

- This report provides background information and detail to Executive Board to seek approval for the capital proposals outlined for this school development; specifically:
 - seeks authorisation of programme expenditure of £10,026.3k and Authority to Spend from capital scheme number 16505/FLS/000
- this report also seeks approval for a revised opening date for the Nightingale Academy of 1 September 2014.

2. Background information

- 2.1 The rapidly increasing birth rate in Leeds has required Leeds City Council to approve 1118 new reception places since 2009 in order that it fulfils its statutory duty to ensure sufficiency of school places.
- 2.2 The scale of the response to the demographic growth pressures in school provision in Leeds cannot be met through existing estate. Therefore the expansion of existing schools or the creation of new schools has been required in many instances.
- 2.3 The proposal for the new school at Florence Street in Harehills forms part of the on-going work to address capacity and sufficiency across all of Children’s Services, which includes provision for primary and secondary school places, early years as well as specialist provision. These capital school building solutions to the demographic needs form part of the Council’s Basic Need Programme that embeds the ‘one council’ approach that has achieved shared ownership of proposed solutions.
- 2.4 Executive Board received a report in January 2012 which considered the outcome of consultation for a new school on this site, and approved the publication of an ‘invitation to bid’ statutory notice for a new 3-11 primary school with nursery places on land at Florence Street to open in September 2013. In October 2012 Executive Board subsequently approved the Co-Operative as the preferred bidder. The school was named the Nightingale Academy. It was clear at the point this decision was made that some form of temporary accommodation would be needed to open the school in September 2013 and until such a point as the permanent school building could be constructed and opened.
- 2.5 The site allocated for the new school is Florence Street, Harehills, Leeds, LS9. The proposal is for a new school to serve the area and does not replace an existing school within the community.
- 2.6 The development site is currently made up of Brown Field land, which comprises land provided when housing on Compton Mount and Scarth Avenue was demolished and cleared; land that was formally used by Leeds City Council Environmental Health and Pest Control and land which was formerly occupied by a waste recycling centre which closed in 2013.

- 2.7 The scope of the project is to design and build a new 2 form entry (FE) school and the new building will be completed for September 2015. It is anticipated that it will gradually fill to its maximum capacity by taking up to 60 pupils in Reception in the first instance.
- 2.8 Authority to spend has previously been approved in relation to accommodation provided at Hovingham Primary School. It was initially planned that this would provide the temporary location for the new Nightingale Academy, and the space is now being used to manage a bulge cohort of 30 pupils who have been placed on the roll at Hovingham Primary School. This bulge cohort will remain at the school for duration of seven years. An additional temporary solution is required for September 2014 to continue to manage pupil places until the new building is completed.

3. Main Points

- 3.1 Florence Street was identified as the only site available in Harehills which is adequately sized and located to meet the demand for places within the immediate locality. As such the site choice was confirmed and committed to by the statutory process to establish the new school. A feasibility study was carried out during RIBA stages A-B and the recommendations confirmed it was viable to develop this site for educational purposes.
- 3.2 Although it was clear at the time of awarding the decision for The Co-operative to provide the school that the permanent building could not be ready for September 2013's opening date and temporary accommodation was needed, the precise location and duration of this was not known. Despite working closely with the provider, there were some practical difficulties in respect of the temporary solution which could not be resolved in time for the opening. As a result the children in the area who would have been allocated to Nightingale Academy were found alternative places with additional cohorts being admitted to other local schools.
- 3.3 The Co-Operative remains committed to the opening of the new school. Having been unable to implement the original decision of the Executive Board at their meeting in October 2012 the proposal is required to be considered afresh. The submissions from the original bidders have been reviewed and it is considered that the decision to select the Co-operative as the preferred sponsor remains valid. The Local Authority is responsible for the building programme and the difficulties in reaching a mutually acceptable temporary solution has been the sole reason for the delay in opening. The Co-operative have indicated their willingness to enter into a funding agreement with the Secretary of State for Nightingale Academy before the end of March to provide additional confidence ahead of the primary offer day. Executive Board is now asked to consider and approve the revised opening of the academy on 1 September 2014, run by the preferred sponsor the Co-operative.

Design

- 3.4 The design of the scheme has progressed to end of RIBA D (detailed design) stage and during each of the design stages consultation has taken place with the following key stakeholders:
- Planning;

- Highways;
- Urban Design;
- Secured By Design;
- Local Councillors; and
- Building Control.

Costs

- 3.5 The project team have provided a pre-application presentation to the relevant Plans Panel with the purpose of driving out any issues prior to the formal submission of detailed planning. The comments associated with the requirement for a parent drop off provision received by plans panel have been incorporated into the scheme.
- 3.6 A detailed cost plan has been produced by the NPS and cost checks have been carried out at end of RIBA stages B, C and D.
- 3.7 An external cost consultant was engaged to check and validate the cost plan at the end of RIBA stage C. The validation exercise was carried out using a combination of checking the cost plan, carrying out independent measurement of quantities and rates and using benchmark data from recent similar schemes.
- 3.8 A further cost check has been carried out with NPS to validate the cost plan at the end of RIBA stage D. The project is at design freeze. The budget includes an allowance for the temporary 2014 solution on the Florence Street site.
- 3.9 The design team has involved and consulted with Urban Design, planning and Highways colleagues to ensure the design, associated costs and risks are managed throughout development stages. To further ensure that risks are managed / mitigated, the following actions have also been implemented:
- Facilitated design workshops with the end users and design team at key points through the design process;
 - Regular meetings with Planning and Highways undertaken during design development;
 - Pre-application presentation to Plans Panel to identify at an early stage any member issues;
 - Traffic Assessment completed to establish Highways' requirements;
 - Identified single point of contact in Planning to ensure consistency of approach;
 - Urban design involvement and buy-in to the scheme at an early stage and continuing throughout the process;
 - A contingency incorporated into the base cost plan for known risks; and
 - Community consultation events and wider stakeholder engagement meetings.

4. Programme

4.1 The following table contains the key milestone dates to be achieved as part of the project. The project remains on programme with the new school becoming operational for summer 2015.

| Milestone | Date |
|-----------------------------------|--------------------|
| Planning Application Submission | Aug 2013 |
| Authority to Spend | Nov 2013 |
| Authority to Tender | Nov 2013 |
| Invite Tenders | Nov 2013 |
| Receipt of Planning Consent | Nov 2013 |
| Tender Return | Dec 2013 |
| Contract Signature | Jan / Feb 2013 |
| Mobilisation | Feb / March 2013 |
| Start on Site | March / April 2013 |
| Construction Complete | July 2015 |
| Commissioning and Client Training | Summer 2015 |
| School Operational | Sept 2015 |

4.2 The approval of Authority to Spend, as requested via this report, is on the critical path and therefore crucial to the delivery of the project in accordance with the dates listed above.

5. Corporate Considerations

5.1 Consultation and Engagement

5.1.1 The original decision was subject to full consultation, both on the need for a school and the selection of the provider to run the school.

5.1.2 Consultation has taken place with the local Ward Members and MP on the closure of the Stanley Road Household Waste Site. The Council Waste Management Team implemented a communication plan to publicise the site closure to local residents, highlighting the alternative sites available

5.1.3 Design workshops commenced in January 2013 and the project team led design team meetings every 2 Weeks. Technical specialists from Leeds City Council (representing Transport, Highways, Landscape and Urban Design) were invited to attend and provide their feedback on the design. Feedback from other stakeholder meetings was also fed into the workshops. Through the design process the project team has attended themed workshops on specialist design areas and planning matters such as highways as part of the planning pre-application process.

5.1.4 Members have received written briefings on the project at the end of each stage and at other key milestones.

- 5.1.5 A Members briefing session took place on 24 April 2013 to provide Members with the proposed Nightingale Primary School development and to seek their comments on the proposed site layout in advance of the public consultation and plans panel pre-application. A further briefing session took place on 24 July 2013 for Members to review the development of the site and feedback on the highways and car parking plans that were discussed at the previous briefing session and plans panel pre application.
- 5.1.6 The public consultation was held at the Compton Centre, 322 Harehills Lane, Leeds, LS9 7BG on Thursday 16 May 2013 between 4.30pm and 6.30pm. It was advertised through 400 invitations delivered to surrounding homes and leaflets displayed in the community centres and library in Harehills. Invitations featured a telephone number for those who were not able to attend the consultation or had any questions. The Compton Centre was conveniently placed to display plans and accommodate visitors close to the location of Nightingale Primary Academy site. Representatives from Children's Services, PPPU, NPS, Highways, Planning and the Academy Sponsor were present in order to answer any queries

5.2 Equality and Diversity / Cohesion and Integration

- 5.2.1 The decision to open the Nightingale Academy was previously considered by Executive Board in October 2012 and EDCI screening completed at that time. The delay to the implementation date was driven by practical concerns and so the decision to proceed with the same sponsor and a revised implementation date does not raise fresh equality concerns. The recommendation within this report does not show a direct impact on the groups falling under equality legislation and the need to eliminate discrimination and promote equality. An EDCI Screening Assessment has been carried out for the scheme (Annex 2). The screening document has been sent to the Equality Team to be approved and published.

5.3 Council policies and City Priorities

- 5.3.1 All proposals within the report have been brought forward to fulfil the Council's statutory duty to secure sufficient school places. In providing places close to where the children live the proposals will improve accessibility of local and desirable school places, and thus reduce any risks of non-attendance.

5.4 Resources and value for money

- 5.4.1 The design and construction of the new school is estimated to comprise construction costs of £7870k (including risk allowances for the grounds conditions), professional fees of £607.5k, and separately client procured furniture costs and ICT hardware of £420k. NPS have provided cost consultancy services throughout the project and utilised the recently procured projects to benchmark the costs to establish value for money.
- 5.4.2 The capital costs for the building are within the expected parameters however this site has attracted large abnormal costs associated with the contaminated nature of

the site; the topography of the land; inclusion of the temporary solution for 2013 and 2014; the requirement for highways works and the confined inner city location.

5.4.3 Capital Funding and Cash Flow.

| Funding Approval : | Capital Section Reference Number :- | | | | | | |
|---|-------------------------------------|----------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Previous total Authority to Spend on this scheme | TOTAL | TO MARCH | FORECAST | | | | |
| | £000's | 2013 £000's | 2013/14 £000's | 2014/15 £000's | 2015/16 £000's | 2016/17 £000's | 2017 on £000's |
| LAND (1) | 0.0 | | | | | | |
| CONSTRUCTION (3) | 208.5 | | 197.7 | 10.8 | | | |
| FURN & EQPT (5) | 44.4 | | 44.4 | | | | |
| INTERNAL FEES (6) | 6.7 | 6.3 | 0.4 | | | | |
| OTHER COSTS (7) | 32.5 | 1.8 | 30.7 | | | | |
| TOTALS | 292.1 | 8.1 | 273.2 | 10.8 | 0.0 | 0.0 | 0.0 |
| Authority to Spend required for this Approval | TOTAL | TO MARCH | FORECAST | | | | |
| | £000's | 2013 £000's | 2013/14 £000's | 2014/15 £000's | 2015/16 £000's | 2016/17 £000's | 2017 on £000's |
| LAND (1) | 0.0 | | | | | | |
| CONSTRUCTION (3) | 7,294.3 | | 375.0 | 6,107.3 | 709.0 | 103.0 | |
| FURN & EQPT (5) | 480.0 | | | 60.0 | 420.0 | | |
| INTERNAL FEES (6) | 260.8 | 68.5 | 107.3 | 60.0 | 20.0 | 5.0 | |
| OTHER COSTS (7) | 1,991.2 | 110.5 | 406.9 | 1,277.8 | 166.9 | 29.1 | |
| TOTALS | 10,026.3 | 179.0 | 889.2 | 7,505.1 | 1,315.9 | 137.1 | 0.0 |
| Total overall Funding (As per latest Capital Programme) | TOTAL | TO MARCH | FORECAST | | | | |
| | £000's | 2013 £000's | 2013/14 £000's | 2014/15 £000's | 2015/16 £000's | 2016/17 £000's | 2017 on £000's |
| LCC Borrowing | 187.1 | 187.1 | | | | | |
| Basic Need Grant | 10,131.3 | | 1,162.4 | 7,515.9 | 1,315.9 | 137.1 | |
| Total Funding | 10,318.4 | 187.1 | 1,162.4 | 7,515.9 | 1,315.9 | 137.1 | 0.0 |
| Balance / Shortfall = | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Parent Scheme Number: 16505/000/000

Title: Basic Need 2013/14

5.5 Revenue Effects

5.5.1 Any revenue implications that may arise from this report will be managed within the academy funding envelope.

5.6 Legal Implications, Access to Information and Call In

5.6.1 Each of these decisions are Key Decisions and will be subject to Call In.

5.6.2 In respect of the proposed change this constitutes a prescribed change under the Education and Inspections Act 2006 (EIA 2006). The consultation process was managed in accordance with that legislation, and local practice.

5.6.3 In respect of the Authority to Spend, the Council's Executive Board has the authority to make this decision under powers granted under Part 3 of the Council's Constitution.

5.7 Risk Management

5.7.1. The Co-operative has indicated their willingness to the signing of a funding agreement with the Secretary of State by March 2014 which is required for the Academy to open.

5.7.2 Project risk is being managed through the application of best practice Project Management tools and techniques utilising experienced Project Management resource from the Public Private Partnerships Unit. The allocated Project Manager is responsible for managing and maintaining the project Risk Register, reporting on risk and escalating where appropriate via regular Highlight Reporting.

5.7.3 A robust survey strategy has been implemented to manage the contaminated ground condition risk and there has been extensive consultation with Planning and Highways colleagues to ensure that the extent of planning conditions can be priced within the current budget estimate.

6. Conclusions

6.1 To ensure Children's Services can manage the increased admission requirement in Harehills the proposal is to progress with the construction of a new build primary school to a maximum capacity of 420 pupils.

6.2 The project to construct a new primary Academy on the Florence Street site has been managed by Children's Services in partnership with PPPU, NPS Leeds, the Academy Sponsor and other key stakeholders. The cost of the accommodation will be met through capital scheme 16585/FLS/000 to the value of £10,026.3k.

6.3 It is proposed that the decision on the revised implementation date be made conditional upon the signing of a funding agreement with the EFA to open the new Academy by 1 March 2014.

7.0 Recommendations

7.1 Members of the Executive Board are asked to:

- Approve the opening of the Nightingale Academy on 1 September 2014.
- Authorise programme expenditure of £10,026.3k and Authority to Spend from capital scheme number 16505/FLS/000 to build the new Nightingale Primary Academy at Florence Street.
- Note the programme dates identified in this report in relation to the implementation of this decision. The final delivery date for this scheme is September 2015.
- Note that the Director of Children's Services is responsible for implementation.

7.0 Background documents¹

7.1 No background documents are included as part of this report.

The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.