

DECISION TITLE: Hampton Lakes Primary School – New Build Project
Cllr Ayres, Cabinet Member for Education, Skills and University and Cllr Seaton, Cabinet Member for Resources
July 2018
Deadline date: July 2018

Cabinet portfolio holder: Responsible Director:	Cllr Ayres Cabinet Member for Education, Skills and University and Cllr Seaton, Cabinet Member for Resources Wendi Ogle-Welbourn. Executive Director People and Communities, Cambridgeshire County and Peterborough City Councils.
Is this a Key Decision?	YES If yes has it been included on the Forward Plan: YES Unique Key decision Reference from Forward Plan: KEY/25June18/03
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	NO
Is this a project and if so has it been registered on Verto?	YES

RECOMMENDATIONS

The Cabinet Member for Education, Skills and University in consultation with the Cabinet Member for Resources is recommended to:

1. Authorise the Executive Director People and Communities to act as the Responsible Body for the self-delivery of the design and build of Hampton Lakes Primary School (free school Academy) following capital approval of the budget by the Education Skills and Funding Agency.
2. Authorise the Executive Director People and Communities to enter into a Pre-construction Services Agreement and subsequently award the design and build contract to the successful Education Skills Funding Agency (ESFA) Contractors Framework Panel Member.
3. Authorise the Head of Legal Services or delegated officers to enter into any legal documentation on behalf of the Council in relation to this matter.
4. Authorise the Head of Legal Services or delegated officers to enter into a Development Agreement with the Education Skills and Funding Agency and Hampton Academies Trust, and grant a 125 year lease of the school site to Hampton Academies Trust after the defects liability period for the school buildings has expired.

5. Authorise the Executive Director People and Communities to enter into additional agreements if required by the Department for Education or the Education Skills Funding Agency to facilitate the opening of the new school by Hampton Academies Trust.

1. PURPOSE OF THIS REPORT

1.1 This report is for the Cabinet Member for Education, Skills and University in consultation with the Cabinet Member for Resources to consider exercising delegated authority under paragraph 3.4.3 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph (a)

2. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	
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3. BACKGROUND AND KEY ISSUES

3.1 This report seeks the Cabinet Member's approval to the recommendations to enable a new primary school to be provided on the Hampton East development in Hampton Peterborough. The new free school academy will open to reception children in September 2019. The nursery places will be available from September 2020.

3.2 The area known as Hampton East is currently being developed. This area is east of the A15 and Hampton West and is bordered by the East Coast mainline and Yaxley. The Hampton East Development Area Brief sets out the strategy for the development of over 3,000 new dwellings, three new schools, community facilities, mixed use areas and formal and informal open space.

3.3 Under the terms of the Section 106 Agreement relating to the Hampton East area, Hampton Lakes Primary is one of two primary schools (one to be located in Hampton Gardens – school to be known as Hampton Lakes Primary and one to be located in the Hampton Waters area) to be provided, in addition to the new Hampton Gardens Secondary School, which opened in September 2017.

3.4 Hampton Lakes Primary School will be located in the Hampton Gardens area of the development and will be built to accommodate 420 children at capacity (two forms of entry) and will open to one form of entry for reception children only in September 2019. Growing demand, growth in the area and government policy relating to early years provision has resulted in the Council's decision to include a 26 place nursery provision on the new school site.

3.5 The construction of 866 new dwellings in the Hampton Gardens area of Hampton East commenced in 2016 and approximately 170 houses were occupied in April 2018. It is forecasted that up to 300 houses will be occupied by September 2019. Hampton Lakes Primary School is required to meet demand for places in Hampton East and the wider Hampton West area of the city.

3.6 Hampton Academies Trust (HAT) are an education trust local to Peterborough who currently run Hampton College primary and secondary schools located in Hampton West and Hampton Gardens Secondary School located in Hampton East. HAT made a successful free school bid to the Department for Education for the new two form entry primary school

to be known as Hampton Lakes Primary School. The Council worked with the Academy Trust to develop the design for the school (the control option) in line with the Education Skills and Funding Agency's (ESFA) current Output Specification. The control option was submitted for planning approval and validated on 15 May 2018.

- 3.7 The Council submitted a Self-Delivery Business Case to the ESFA to deliver the new school build as the Responsible Body. The Business Case received approval on 24 May 2018. The Feasibility Study and Cost Plan for the school build received capital approval on 1 June 2018 and confirmation that the design and build will be grant funded by the ESFA. The Council has entered into a Self-Delivery Memorandum of Understanding with the ESFA for the delivery of the new school. A Project Delivery Grant letter from the ESFA was received on 25 July 2018. As the Council has added nursery provision to the school site which was not included in the free school application, the Council will fund the costs for construction of the nursery accommodation utilising Hampton S106/POIS contributions.
- 3.8 The Council will procure the contract under the ESFA Construction Framework. The Construction Framework was procured under the Restricted Procedure of the Public Contracts Regulations 2015 (the "Regulations") and the Council is permitted to use the Framework. The Framework structure is divided into low, medium and high value bands within regional lots. The Hampton Lakes project will be procured as a medium value project within the East of England Lot 5. The project will adhere to the established ESFA procedures and will utilise the standard suite of documents for procurement. The Council has satisfied itself with the terms and conditions within these documents and has signed the Framework Access Agreement.
- 3.9 Under the ESFA Construction Framework rules, a pipeline scheme notification was issued on 8 June 2018. The Invitation to submit a competitive tender was issued on 6 July 2018 to all contractors on Lot 5 East of England medium value band. Once the evaluation process is complete and in reference to recommendation 2, authorisation will be sought to award the contract to the successful framework panel member.
- 3.10 A requirements of the Framework is for the Responsible Body to enter into a Pre-Construction Services Agreement with the appointed contractor for the pre-construction period. Following a period of design development and submission, review and evaluation of the contractor's proposals, the Council will enter into a JCT 2016 Design and Build contract for the construction period with the appointed contractor.
- 3.11 Programme:

In order to achieve an Easter 2020 completion date, the key programme milestones are as follows:

- Submission of the Feasibility Study, Cost Plan and Self Delivery Business Case to the ESFA for approval 14 May 2018
- ESFA capital approval 1 June 2018
- Submission of the planning application 14 May 2018
- Pipeline scheme notification to ESFA Contractor Framework members 8 June 2018
- Issue of Invitation to Tender (ITT) 6 July 2018 and site visit/bidders day 11 July 2018
- Planning decision 17 August 2018 (anticipated date)
- Appoint contractor and enter into a PCSA 24 August 2018
- Submission of the contractors' proposals 9 November 2018
- Contract close 14 January 2019
- Start on site 11 February 2019
- Completion and handover 6 March 2020

3.12

The land for the school and nursery has been transferred to the Council by the developer under the terms of the Section 106 Agreement for Hampton East. The transfer ensures that the site is fully serviced for the purposes of a school.

3.13

Completion and handover of the new school and nursery is programmed for March 2020. In order to meet the obligation to provide the reception places at the school from September 2019, the school will operate from a temporary location from September 2019 until March 2020 for one form of entry into reception. The ESFA will fund any works required to ensure that the temporary accommodation is in an appropriate location and meets all safeguarding requirements. The temporary accommodation is to be located at Hampton College Primary. The school, once located at the permanent site, will grow incrementally and will provide up to 420 primary places and a 26 place nursery at capacity in 2025.

3.14

It is a requirement of the ESFA and the Department for Education that the Council and HAT enter into a Development Agreement for the delivery of the school build. The Development Agreement will regulate the relationship between the Academy Trust and the Responsible Body (the Council). It provides the basis upon which the Academy Trust participates in the process for design finalisation, is consulted in relation to construction and commissioning matters and has its interests recognised by the Responsible Body.

3.15

The Agreement also envisages the novation of the design and build contract to Hampton Academies Trust at a date immediately following completion of the Defects Liability Period. This ensures that the Academy Trust then has a contractual relationship with the design and build contractor allowing any obligations and liabilities to be directly enforced against the contractor. This allows the Council to drop out of the contractual chain.

3.16

The Development Agreement also forms an Agreement for Lease with Occupational Licence confirming that a lease (with a 125 year term) will be agreed between the Council and Hampton Academies Trust upon completion of the new buildings following a 12 month defects liability period.

3.17

The budget for the cost of the nursery accommodation has been allocated in the Medium Term Financial Plan and will be covered by Hampton S106/POIS contributions. All other costs are covered by the ESFA capital grant.

4. CONSULTATION

4.1

A presentation of the designs for the school was held on 12 December 2017 at Hampton Gardens School for staff, governors and Ward Councillors.

4.2

A public consultation event was held at Hampton Gardens Secondary School on 11 January 2018 where the designs for the new school were on display. Ward Councillors were also invited to this event. All comments made by the public in relation to the school were collated and submitted to the Planning Department with the planning application.

4.3

Ward Councillors were updated on the progress of the project on 5 July 2018.

4.4

Key stakeholder department with the Council were fully briefed on the proposals. These include Planning, Highways, Finance and Legal Services.

5. ANTICIPATED OUTCOMES OR IMPACT

5.1

The Council will enter into a pre-construction services agreement with the appointed ESFA Framework Panel member for the design and build of Hampton Lakes Primary School. The Council as the Responsible Body will subsequently enter into a design and build contract with the appointed contractor subject to planning approval and a value for money review by the Council's technical adviser and the ESFA.

- 5.2 The programme anticipates construction of the new school commencing in February 2019 with a completion and handover date of March 2020.
- 5.3 The school will open for 30 reception children only in temporary accommodation in September 2019. The school will grow incrementally each academic year. At capacity, the school will offer up to 420 primary places. The nursery provision will open in September 2020.
- 5.4 Approval of the Development Agreement will allow the Council to enter into a design and build contract with the appointed contractor in order for the work to commence on site as programmed.
- 5.5 Upon expiry of the 12 month defects liability period, the Council will enter into a 125 year lease with the Academy Trust

6. REASON FOR THE RECOMMENDATION

- 6.1 The Local Authority has a statutory duty to provide school places. There are significant pressures on the city to provide school places in the areas most in need. A review of demographic data, build out and occupation rates for new dwellings at Hampton East has informed the decision to open a new school as part of the School Organisation Plan 2012-2017 upon land subject to a Section 106 Agreement.
- 6.2 As a result of the above, the proposed scheme will:
- provide up to 420 new primary school places for children living in the Hampton East and wider Hampton area and 26 nursery places
 - the school will open on an incremental basis offering places to 30 reception children only in September 2019, initially from temporary accommodation
 - to be delivered following a successful free school bid submitted by Hampton Academies Trust to the Department for Education and procured via the ESFA Contractor's Framework and grant funded by the ESFA (with the exception of the nursery provision which was not part of the free school bid and will be funded by Hampton S106 Agreement/POIS contributions)

7. ALTERNATIVE OPTIONS CONSIDERED

- 7.1 The following options were considered and rejected:

To do nothing. This option was rejected due to the Local Authority's statutory duty to provide sufficient school places. Demography analysis, build out and occupation rates for the new dwellings at Hampton East demonstrate a need for the additional school and nursery places from September 2019.

To not create the nursery provision. This option was rejected due to recent demography analysis which demonstrates a need for nursery places in the area.

To tender outside of the ESFA Framework. This option was rejected due to the benefits of utilising the ESFA Framework for the Council. The framework was established specifically for the delivery of school projects and offers specialist advice to framework users. Panel Members are approved by the ESFA for school build delivery.

8. IMPLICATIONS

Financial Implications

- 8.1 The budget for this project has been allocated in the Medium Term Financial Plan. The budget figure will cover costs associated with the design and build of the nursery accommodation at the school site via Hampton S106 Agreement/POIS contributions.
- 8.2 The costs associated with the feasibility study, design and build contract sum, ICT, technical adviser fees and project delivery are covered by the approved capital grant from the Education Skills and Funding Agency.

Legal Implications

- 8.2 The ESFA Framework was procured under the Restricted Procedure of the Public Contracts Regulations 2015 and the Council is permitted to use the framework. The Council is entering into the agreement pursuant to its powers contained in section 2 of the Local Government Act 2000, section 14 of the Education Act 1996, section 22 of the Schools Standards and Framework Act 1998 and section 111 of the Local Government Act 1972 in order to enable investment in certain educational services and facilities.

Equalities Implications

- 8.3 The design of the new building is compliant with all relevant legislation to ensure accessibility for all.

9. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

- 9.1 None

10. BACKGROUND DOCUMENTS

School Organisation Plan 2015- 2020 (amended in 2017)
Medium Term Financial Plan

11. APPENDICES

- 11.1 None