

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET FOR EDUCATION

9 September 2021

Report of the Executive Director of Children's Services

**Children's Services Capital Programme 2020-21 – Urgent Decision Taken
by the Executive Director for Children's Services
Children's Services - Education**

1. Divisions Affected

1.1 Little Eaton & Stanley

2. Key Decision

2.1 This is a key decision because it is likely to result in the Council incurring expenditure which is, or savings which are significant having regard to the budget for the service or function concerned (this is currently defined as £500,000). The allocation of funding exceeds £500,000.

3. Purpose

3.1 To note an urgent decision taken by the Executive Director for Children's Services to approve a further allocation from the Children's Services Capital Programme 2020-21 for additional costs for the New Breadsall Primary School.

4. Information and Analysis

4.1 The Decision was taken by the Executive Director for Children's Services on 30 June 2021 as, after discussion with the Cabinet Member

for Education, it was determined that the decision was urgent and could not wait until the next following meeting of the Cabinet because a delay in letting the contract would have resulted in additional costs and a delay to the project.

Therefore, the Executive Director approved the allocation of a further £967,326 for additional costs.

A copy of the report as approved by the Executive Director of Children's Services is attached as Appendix 2

5. Consultation

5.1 Not applicable

6. Alternative Options Considered

6.1 Delaying the allocation of additional funds was considered but deemed inadvisable given the resultant delay in delivery of the school and the potential additional costs.

7. Implications

7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

8.1 These are held on file in the Children's Services Development Section.

9. Appendices

9.1 Appendix 1- Implications.

9.2 Appendix 2- Copy of report on Urgent decision approved by the Executive Director of Children's Services.

10. Recommendation(s)

10.1 That Cabinet notes the urgent decision taken on 30 June 2021 by the Executive Director for Children's Services, in consultation with the Cabinet Member, for the approval of a further allocation of £967,326 from the Children's Services School Condition budget 2020-21 for the additional costs for the New Breadsall Primary School.

11. Reasons for Recommendation(s)

11.1 Urgent decisions taken by Executive Directors are required under the Council's Constitution to be reported to Cabinet.

12. Is it necessary to waive the call in period?

12.1 No

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Implications

Financial

- 1.1 As detailed in section 3 of the report as approved by the Executive Director of Children's Services attached as Appendix 2

Legal

- 2.1 As detailed in section 5 of the report as approved by the Executive Director of Children's Services attached as Appendix 2, the Constitution enables urgent decisions which cannot wait until the next appropriate meeting to be taken by the Executive Directors.

Human Resources

- 3.1 None

Information Technology

- 4.1 None

Equalities Impact

- 5.1 No impact

Corporate objectives and priorities for change

- 6.1 Not applicable


Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 Not applicable

Appendix 2

CONTROLLED

New Breadsall Primary School Paper – June 2021

Head of Service submitting request	Sue Pegg
Date of submission	30 June 2021
Date submitted to Executive Director	30 June 2021
Executive Director Decision	Approved
Executive Director	
Date of Executive Director Decision	30 June 2021

Author: Jill Beacham (36549)

DERBYSHIRE COUNTY COUNCIL

URGENT DECISION TAKEN BY THE EXECUTIVE DIRECTOR OF CHILDREN'S SERVICES

30 June 2021

Report of the Executive Director for Children's Services

CHILDREN'S SERVICES CAPITAL PROGRAMME 2018-19 – FURTHER ALLOCATIONS

1. Purpose of Report

To approve further allocations from the Children's Services Capital Programme 2020-21 for the additional costs for the New Breadsall Primary School.

2. Information and Analysis

On 27 January 2015, Cabinet approved up to £3.55m capital receipts and £1.2m borrowing for a proposal to transfer the Erewash Key Stage 3 Pupil Referral Unit (PRU) from the Derbyshire Support Centre site on Brookside Road, Breadsall, to a building in Ilkeston and to transfer Breadsall Primary School into a section of the vacated PRU building. At the time, the total cost of the projects was £4.75m but £1.75m was identified for the school project. On 21 February 2017, the funding for the school element of the project was increased to £2m.

Once the PRU had vacated the building, the surplus accommodation was demolished prior to starting the school refurbishment work. Having opened up the building structure, it became clear that there were significant problems with the fabric of the building, including additional asbestos, a cracked floor slab and corrosion to the main steel supports. There was also concern that further issues will be revealed as the building work continued. The building also suffered from a serious attack of vandalism which caused a considerable amount of damage.

The cost of the refurbishment project was re-assessed and it was felt that the new build option would provide a better solution for the school in terms of delivering education, removing further doubt about the fitness and cost of the refurbishment and provide an efficient building that will cost less to run in the future. On 31 January 2019 Cabinet approved the

cancellation of the refurbishment project for Breadsall Primary School and gave permission for County Property to proceed with the design of a new school with the additional funding for the rebuild option to be subject to a future report.

The project has suffered from excessive delays. Those delays and the need for additional work has also meant that it has not been possible to confirm the final costs until mid-June 2021. A contractor has been engaged under the PAGABO framework and is ready to start the project in the next few weeks. The normal process of submitting this paper to Cabinet for financial approval would result in the project being further delayed until October 2021 and another increase in costs hence the request for an urgent decision. If approved, the paper will be reported to Cabinet in September 2021.

The Executive Director consulted with the Cabinet Member (Education) on 23rd June 2021 who supported the making of an urgent Executive Director decision.

3. Financial Considerations

As set out above.

On 24 January 2019 Cabinet approved a further £1.8m towards the new build scheme increasing the budget to £3.8m. On 12 October 2020 the £189,679 balance of the budget to transfer the Erewash Key Stage 3 Pupil Referral Unit (PRU) Pupil Support Centre from Breadsall to Ilkeston was transferred to the New Breadsall Primary School project giving a total budget of £3,989,679.

The amount of asbestos in the building and on the site has required considerable remedial works and resulted in delays to the project and increased the demolition costs. There will also be additional costs for the removal soil off site because of the contamination. There have been significant delays during the planning process to achieve planning approval. This has required the redesign of the entrance in response to issues raised by Highways. The highways and entrance works are also costly and have taken some time to co-ordinate as it has involved the lowering of services within the pavement and service connections in the road which has required the arrangement of road closures and traffic control. The project has been out to tender and increases for inflation and Brexit (mainly from material costs) and increased fees, together with the above, has increased the cost of the project to £4,957,005. An additional £967,326 funding is therefore required to progress the project.

The latest cost breakdown is summarized in Appendix 1.

4. Social Value Considerations

This funding will provide modern purpose-built accommodation to support the provision of high-quality education for children in the local area. Where the project is delivered by County Property, this will be done under its usual procedures.

5. Legal Considerations

The Council's Constitution provides that "notwithstanding any other provision of the Constitution Executive Directors shall have the power, after discussion, if practicable, with the Leader of the Council or the relevant Cabinet Member or Chair, to take such actions deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the timescale involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee."

The Improvement and Scrutiny Procedure Rules states:

"13(6) The call-in procedure set out above shall not apply where the decision being taken by Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. All reports recommending that decisions be taken should say whether or not it is proposed that call-in be waived. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the appropriate Improvement and Scrutiny Committee should agree both the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

6. Other Considerations

In preparing this report the relevance of the following factors has been considered: - prevention of crime & disorder, equality of opportunity,

environmental, health, human rights, human resources, property and transport considerations.

7. Key Decision:

Yes

8. Call-in:

Is it required that call-in be waived for any decision on this report?

Yes

Councillor Tony Kemp, Chair of Improvement and Scrutiny Committee – People has approved the waiver of the call in due to the urgent nature of the decision required; has agreed special urgency applies and the notice of key decision is not required; and supports the action being taken.

9. Officer Recommendation

That the Executive Director for Children’s Services approves a further allocation of £967,326 for the New Breadsall Primary School.

**Jane Parfremment
Executive Director for Children’s Services**

Appendix 1

Element	Cost £
Pre tender - demolition and abortive costs	640,000

Security fees	15,000
current fees	470,000
	1,125,000
New School:	
Contractor tender	
B&K building services tender including inflation/Brexit	2,996,326
Additional to tender:	
section 278:	
Works to entrance (including investigations to exit road ground)	115517
Contaminated spoil	200016
DCC Contingency	200000
Temporary drainage	25000
Provisional allowance:	
Electronic Whiteboards	30000
IT Equipment/ Corporate WiFi etc	15000
	3,581,859
All Construction Costs	4,706,859
Fees	157110
Statutory Authority Works	
Severn Trent	9021
Western Power	21720
Energy assets - gas	12295
Additional planning contingency	10000
	53036
Furniture	30,000
IT	10000
Total	4,957,005

Report Sign Off and Version Control

Report Title	Childrens Services Capital Programme 2020-21 – New Breadsall Primary
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	School Urgent Decision
Author	Jill Beacham
Meeting and Date	Cabinet 9 September 2021
Version	V5
Key Decision (published)	Yes
Exempt item (notice of private meeting published)	No