



**COUNCIL CABINET**  
**13 April 2022**

**ITEM 10**

Report sponsor: Andy Smith, Strategic Director,  
People Services.

Report author: Gurmail Nizzer, Service Director  
for Integrated Commissioning.

## **Schools Capital Programme 2022/23**

### **Purpose**

- 1.1 The Council has received notification from the Department for Education (DfE) of school condition maintenance allocations for 2022-23 for Community and Foundation schools.
- 1.2 In order to commence scheme development, and to complete essential work during the school summer holiday period, early approval of schemes is necessary. It is therefore proposed to seek scheme approval for schemes in line with the notified allocation of £3,163,425.
- 1.3 A breakdown of the indicative school maintenance Capital Programme funding for 2022/23 is set out within Appendix 1. The proposed phase 1 schools capital programme schemes for 2022/23, including proposed individual school condition maintenance projects, are outlined in Appendix 2.
- 1.4 The proposal is for funding to be prioritised to deal with essential school condition and maintenance issues across the schools estate for Council maintained schools. An on-going programme of work is required in school premises to deal with essential condition and health and safety issues to ensure that school buildings remain safe and open.
- 1.5 This report seeks Council Cabinet approval for the schools maintenance capital programme for 2022/23 as set out within Appendix 2.
- 1.6 It is also necessary to update the capital programme with the addition of £7,084,154 following the completion of a s106 agreement for the provision of a new primary school to serve new housing as part of the Snelsmoor Grange, Boulton Moor, housing development, and seek scheme commencement approval. Approval is also sought to add a further £502,800 s106 to the capital programme from the Buttercup Leys housing development and seek scheme commencement for works at Noel-Baker Academy.
- 1.7 The report also seeks to update the previously approved necessary delegated authority in relation to the property transactions required for the approved capital programme scheme to expand Landau Forte College Derby.

## **Recommendations**

- 2.1 To approve the Schools Capital Programme priority schemes for 2022/23 as outlined in Appendix 2.
- 2.2 To approve scheme commencement of schemes outlined in Appendix 2.
- 2.3 To approve the amendment of the approved 2022/2023-2023/24 capital programme with the revised budget projections detailed in Appendix 1 and the proposed scheme allocations detailed in Appendix 2.
- 2.4 To approve the addition to the capital programme of the £7,084,154 s106 funding contribution and approve scheme commencement, for the construction of the new primary school to serve the Snelsmoor Grange, Boulton Moor housing development, as set out in paragraph 4.7 to 4.9 and Appendix 2.
- 2.5 To approve the addition to the capital programme of the £502,800 Buttercup Leys Secondary education s106 funding contribution, and approve scheme commencement and the award of a grant agreement of up to £502,800 to L.E.A.D. Academy Trust for the proposed scheme at Noel-Baker Academy, as set out in paragraph 4.10 to 4.11 and Appendix 2.
- 2.6 To delegate authority to the Strategic Director of Corporate Resources, in consultation with the Director of Children's Integrated Commissioning, to complete the site acquisitions and subsequent site disposals / transfers, in relation to the previously approved capital programme scheme to expand Landau Forte College Derby, including any necessary additional grant to Landau Forte Charitable Trust, as set out in paragraph 4.12 to 4.14 which may be necessary to ensure successful delivery of the scheme.

## **Reasons**

- 3.1 An on-going programme of work is required in school premises to deal with essential condition and health and safety issues across the schools estate to ensure that school buildings remain safe and open. In order to complete as much work as possible during the school summer holiday period, early approval of schemes is necessary.
- 3.2 In accordance with Financial Procedure Rules, amendments to the Council's capital programme are required to be reported to Cabinet.

## **Supporting information**

- 4.1 Capital investment across the schools estate in Derby is essential to address maintenance and condition issues. There remains a significant backlog of condition issues across the schools estate, which is in excess of £17m for priority works. This condition backlog only covers building condition issues and excludes costs associated with betterment (unless required under Building Regulations), asbestos identification/removal, work identified as a result of fire risk assessments or any water hygiene remedial work.

## **4.2 Schools Maintenance Capital Programme**

The Department for Education (DfE) have confirmed Derby will be allocated £3,163,425 in School Condition Allocation funding for Community and Foundation schools for 2022/23.

4.3 In order to commence scheme development, and to complete essential work during the school summer holiday period, early approval of schemes is necessary. A breakdown of Schools Capital Programme Funding for 2022/23 is set out within Appendix 1.

4.4 School capital projects for 2022/23 have been prioritised for those schools with the highest level of need, to ensure that buildings are safe by addressing priority health and safety works. The priority condition schemes for 2022/23 primarily fall into the following four categories:

- Mechanical projects (heating replacements);
- Roof works;
- Window replacement works;
- External works;
- Fire precaution work.

The proposed priority school condition projects for 2022/23 are shown in Appendix 2, including details of the proposed work and budget estimates. These indicative budget estimates are subject to a detailed feasibility, design development and procurement process.

4.5 There are a range of projects proposed within the Schools Capital Programme 2022/23, detailed in Appendix 2, to address high priority maintenance and condition issues across the schools estate.

## **4.6 Schools Devolved Formula Capital**

The DfE have also confirmed school Devolved Formula Capital funding allocations for individual schools. This funding is to be used by schools on maintenance and condition projects. This is a small funding stream based on a formulaic allocation of £4,000 per school, and a small per pupil element. Schools prioritise this funding in line with their School Asset Management Plan.

## **4.7 Snelsmoor Grange, Boulton Moor, New Primary School**

The Council has now successfully completed a s106 agreement for a new housing development at Snelsmoor Grange, Boulton Moor, which is made up of 800 dwellings. It is anticipated that 224 primary school pupils will be generated by a development of this size. In addition, a housing development on Fellow Lands Way, Chellaston, made up of 190 dwellings, has recently been completed. Based on the Council's pupil yield multipliers, the total of 990 new dwellings across the two developments will generate an estimated 277 primary aged pupils.

4.8 Following careful consideration, as a result of the new housing at Snelsmoor Grange and Fellow Lands Way, a new one and a half form entry primary school (315 pupils), with a 39 place nursery, is proposed to ensure sufficient school places. A school site has been identified within the Snelsmoor Grange housing development and it is anticipated that construction work on the new primary school will commence in Summer 2022 for a September 2023 opening. The proposal is for the new school to open up on a gradual basis, as the new housing is built and occupied. Following previous Council Cabinet approval, the Council is now inviting proposals from Academy Trusts who are able to deliver high quality education and establish the primary school ready for the proposed opening in September 2023.

4.9 It is now necessary to update the Council's capital programme to add the new additional Snelsmoor Grange Primary school s106 funding of £7,084,154, as set out in paragraphs 7.4 and 7.5, and Appendix 2, and obtain approval for scheme commencement.

#### 4.10 **Buttercup Leys, Secondary education s106**

This s106 funding of £502,800 has been secured as a result of housing development within Derbyshire County Council's administrative boundary and is required to be spent on secondary school provision for Secondary education facilities at Noel Baker Community School including the provision of replacement classrooms. The funding is legally required to be spent on mainstream educational facilities at Noel-Baker Academy, which is the catchment area secondary school for the housing development site. It is not necessary to make any changes to the current admission numbers of the school as part of this proposal.

4.11 Following close partnership working with L.E.A.D Academy Trust, it is proposed to complete a scheme for a two classroom teaching block, with toilet and office provision, at a cost of up to £502,800 at Noel-Baker Academy. The scheme is to be funded from the s106 agreement contribution the City Council has received from the County Council housing development and specified for use at Noel-Baker Academy. Appendix 2 sets out the necessary changes to the capital programme for this scheme. It is proposed to award a standard grant agreement to L.E.A.D Academy Trust as set out in paragraph 7.6. The Trust will then directly progress this project.

#### 4.12 **Landau Forte College Derby**

Following Cabinet approval of the expansion of Landau Forte College Derby, the Council, Landau Forte Charitable Trust and the DfE have worked in close partnership to secure the necessary DfE consents for the expansion of the College. By April 2022 it is anticipated that the DfE will have approved the expansion of the College, subject to the final terms of the necessary site acquisitions and land transfers being agreed. The initial proposals were for the Council to acquire the sites for the College, before then agreeing terms for the onward transfer to Landau Forte Charitable Trust.

- 4.13 It may be necessary for the Council to acquire the necessary additional sites, as outlined in the confidential Part 2 Cabinet report and approved by Cabinet in November 2021, and then either pass these to Landau Forte Charitable Trust either via a leasehold or via a freehold transfer. Alternatively, it may be necessary for the Council to provide an additional grant to Landau Forte Charitable Trust and for the Trust to acquire the sites directly, subject to paragraph 7.8.
- 4.14 It is therefore necessary to update the delegated authority to the Strategic Director of Corporate Resources, in consultation with the Director of Children's Integrated Commissioning, to complete the site purchases and subsequent disposals / transfer in the format most suitable to secure successful completion of the project in consultation with the DfE. The Council will ensure the terms of the final acquisitions and disposals / transfers provide sufficient security for the provision of the additional school places. If it is necessary to provide an additional grant to Landau Forte Trust, this will be in line with the Council's standard terms and conditions. The final acquisition and disposal / transfer method will only proceed if it can be demonstrated to meet the required programme for the delivery of the school places and be contained within the existing approved budget.

### **Public/stakeholder engagement**

- 5.1 The Council have developed the priority projects set out in this report in conjunction with the schools.

### **Other options**

- 6.1 The available capital funding has been prioritised in line with the School Asset Management Plan to deal with the most urgent condition and health and safety issues.

### **Financial and value for money issues**

- 7.1 The Council's school condition maintenance allocation available for 2022/23 is £3,223,906 for Community and Foundation schools. This is made up of a confirmed 2022/2023 allocation of £3,163,425 from the DfE and £60,481 from the balance of previously announced unallocated school condition funding (subject to 2021/22 year-end). The schools Devolved Formula Capital allocation has been confirmed as £302,106. The 2022/23 capital programme budget, approved at February 2022 Cabinet, included indicative budget estimates for School Condition Allocation and Devolved Formula Capital funding, as set out in Appendix 1. The capital programme needs to be updated to reflect the respective confirmed allocations, as set out in Appendix 1.
- 7.2 Appendix 1 outlines funding for the Schools Capital Programme for 2022/23 to be invested across the schools' estate. Appendix 2 outlines the proposed school condition projects.
- 7.3 All School Capital Programme schemes will be procured in line with the Council's Contract Procedure Rules.

- 7.4 The Council has now completed the final s106 agreement with the Snelsmoor Grange, Boulton Moor, housing developer for the provision of a new 1.5 form intake Primary school. Funding of £7,084,154 will be provided to the Council, by the developer, on completion of the proposed school site transfer to the Council. Legal notice for the transfer of the site, and the funding, has now been served by the Council. The funding and the site will be transferred to the Council in June 2022. Updating the Capital programme now represents no risk to the future funding of the capital programme.
- 7.5 For the Council to award the construction contract for the new school following receipt of the site, and to ensure construction work is completed for the proposed September 2023 opening, it is necessary to amend the capital programme with the addition of £7,084,154. This will be applied to the capital programme as set out in appendix 2.
- 7.6 In line with other capital projects delivered at Academy schools, it is proposed that the construction works associated with the proposed project at Noel-Baker Academy will be funded through a standard Council grant agreement with the Trust, as the Trust will be responsible for delivery of this project and undertaking the works directly, working closely with their appointed professional and technical advisors. Therefore, it is proposed to enter into a grant funding agreement with the Trust for the award of up to £502,800. In line with the s106 agreement for Buttercup Leys, the s106 will fund the Council's grant for this project.
- 7.7 The proposed site acquisitions and disposals associated with the expansion of Landau Forte College Derby, and any further grant agreement, if necessary, will be funded from within the budget of the existing approved capital programme scheme. It is not proposed to make any changes to the capital programme budget as a result of the updated delegations, sought here, for the Landau Forte College Derby expansion.
- 7.8 The Council will only be able to increase the grant for Landau Forte Charitable Trust in line with capital programme restrictions which prevent the use of borrowing to fund the awarding of grants. It will only be possible for the Council to increase the grant sum for Landau Forte Charitable Trust to acquire both proposed sites, if necessary, if the Council can first substitute other grant funding to replace any borrowing requirement for the approved Landau Forte College expansion scheme, which will be subject to identifying a suitable funding switch and further approvals.

## **Legal implications**

- 8.1 If any works require planning permission approvals, these will be sought prior to works commencing. Where there is an impact on School Playing Fields being able to provide team game playing field pitches, the Council will consult with Sport England.
- 8.2 The Equality Act 2010 places a duty on all schools and Local Authorities to plan to increase over time the accessibility of schools for disabled pupils.

## Climate implications

- 9.1 All school capital programme schemes will be carried out in line with the latest Building Regulations approved documents on environmental performance. Where possible, schemes will be designed to allow for future improvements to move towards net zero carbon goals subject to future funding availability.

## Other significant implications

### 10.1 Equalities Impact

The Council aims to take reasonable steps to remove, alter or provide reasonable means of avoiding physical features that make it impossible or unreasonably difficult for disabled people. Where appropriate, schemes will take account of any accessibility requirements.

### 10.2 Health and Safety

The priority projects are important for Health and Safety reasons and to conform to Workplace Regulations 1992 and Building Regulations 2010. Health and Safety procedures will be followed in delivering schemes.

### 10.3 Property and Asset Management

An on-going programme of work is required in school premises to deal with essential condition and health and safety issues to ensure that school buildings remain safe and open.

### 10.4 Risk Management and Safeguarding

The priority projects will reduce the risk of future school closures due to structural, mechanical or electrical failures. It should be noted that the overall school condition backlog exceeds the funding available, therefore schemes are prioritised where there is greatest risk of school closure in order to ensure schools remain safe and open. Where it has not been possible to prioritise schemes, mitigation plans will be developed in consultation with schools.

- 10.5 All projects will be managed and monitored in line with the Council's project management and risk assessment procedures.

### 10.6 Corporate objectives and priorities for change

This report supports the Council priority outcomes of Enabling individuals and communities, raising achievement and skills, and Making the most of our assets.

This report has been approved by the following people:

Role	Name	Date of sign-off
<b>Legal</b>	Olu Idowu, Head of Legal Services	14/03/22
<b>Finance</b>	Janice Hadfield (Head of Finance, Children and Young People)	15/03/22
	Toni Nash (Head of Finance Organisation and Governance)	16/03/22
<b>Service Director(s)</b>	Gurmail Nizzer, Director of Commissioning	02/03/22
<b>Report sponsor</b>	Andy Smith, Strategic Director - People Services	10/03/22
<b>Other(s)</b>	Phil Derbyshire, Head of Property Projects and Technical Services	15/03/22

**Background papers:**

**List of appendices:**

Appendix 1 – School Maintenance Capital Programme 2022/23 Funding  
Appendix 2 – Proposed School Priority Condition Projects 2022/23 and  
Additions to the School Capital Programme of S106 funding  
for further proposed schemes.



## Schools Maintenance Capital Programme 2022/2023 Funding

	Local Authority Schools Capital Programme	Budget
To be allocated to proposed schemes in Appendix 2	New 2022/23 Condition Funding Allocation: The current approved capital programme contains provision for an anticipated School Condition Allocation of £1,200,000. Following changes to the DfE allocation formula, and notification from the DfE of 2022/23 allocations, the Council's allocation for 2022/23 will now be £3,163,425.	£3,163,425
	Existing remaining 2021/22 School Condition Buildings At Risk funding, phased in 2021/22 (indicative subject to 2021/22 year end)	£60,461
	Existing remaining 2020/21 School Condition Buildings At Risk funding, phased 2022/23	£20
	<b>Total available for school condition projects (subject to 2022/23 year-end)</b>	<b>£3,223,906</b>

School Devolved Formula Capital 2022/23 (Local Authority)	
New Allocation for 2022/23: The current approved capital programme contains provision for an anticipated School Devolved Formula allocation of £200,000. Following notification from the DfE, the Council's allocation for 2022/23 will now be £302,106.	£302,106

## Proposed School Priority Condition Projects 2022/23 and Additions to the School Capital Programme of s106 funding for further proposed schemes

**Table 1: Proposed Schools Capital Programme Priority Condition Projects for 2022/23**

School	Scheme Description	Allocation	2022/23 Scheme Phasing	2023/24 Scheme Phasing
Ashgate Primary School	<p>External Area Works:</p> <p>Works are required to alleviate surface flooding effecting a number of areas on the schools playground which prevents safe dry access into parts of the school and the use of external spaces during periods of heavy rain.</p>	£72,000	£70,000	£2,000
Becket Primary School	<p>Heating Replacement:</p> <p>Replacement of the heating distribution system to include new pipework and heat emitters to be carried out in three phases. This year, Phase 1, will cover the highest priority area where the heating system is failing to adequately heat the Key Stage 2 teaching areas. The replacement pipework will be designed and set out to allow for future connection and operation with lower carbon heat sources, such as air source heat pumps at a later date.</p>	£261,000	£256,000	£5,000
Becket Primary School	<p>Roofing Work:</p> <p>The school's existing roof coverings are failing and water ingress is creating potential damage to the school building fabric. The works are to provide a new roof covering to 75% of the school and the worst affected roof areas. Works will include additional cut to fall insulation to improve building heat retention.</p>	£324,000	£320,000	£4,000
The Bemrose School	<p>Heating Replacement:</p> <p>Works are required to replace two obsolete heating boilers and associated pumps serving the dining hall, block G, to avoid potential block closure. The new boilers will be modern energy efficient gas fired boilers.</p>	£141,000	£139,000	£2,000

School	Scheme Description	Allocation	2022/23 Scheme Phasing	2023/24 Scheme Phasing
Dale Community Primary School	<p>Window Replacement:</p> <p>Phase two works to replace 39 failing timber sash single glazed windows, many of which it is not possible to open safely, and 2 doors. Replacement will be with modern powder coated aluminium double-glazed units. Work will include high level window replacement.</p>	£260,000	£257,000	£3,000
Gayton Community Junior School	<p>External Area Works:</p> <p>Works are required to alleviate surface flooding that prevents safe dry access into parts of the school during periods of heavy rain. The works will include new drainage runs and improvements to enable the water to disperse adequately.</p>	£85,000	£83,000	£2,000
The Kingsmead School	<p>Fire Risk Assessment Works:</p> <p>Replacement and upgrading of existing fire doors and partitions, installation of new fire doors and partitions, upgrading of an external elevation to protect external fire escape staircase, additional fire stopping and extension of the fire detection system.</p>	£86,000	£84,000	£2,000
Littleover Community School	<p>Roofing works:</p> <p>Removal of existing failing roof covering, installation of additional insulation and provision of new weather tight roof covering to prevent water ingress and damage to the building fabric. This phase of works will be to the highest priority wing of the main A block of the school.</p>	£278,000	£275,000	£3,000
Littleover Community School	<p>Window Replacement:</p> <p>Block A1 - Drama &amp; Performing Arts. Replacement of failing single glazed, metal framed windows and external timber door and frame which are also leading to water ingress. Replacements will be modern double glazed aluminium powder coated units to match earlier replacement phases.</p>	£105,000	£103,000	£2,000

<b>School</b>	<b>Scheme Description</b>	<b>Allocation</b>	<b>2022/23 Scheme Phasing</b>	<b>2023/24 Scheme Phasing</b>
Murray Park School	<p>Heating Replacement:</p> <p>Works to make improvements to the heating system across the school. This will be the first two phases of a potential eight phases. This year the proposal is to carry phases 1 &amp; 2 by installing isolation valves to each block to increase resilience to heating failures.</p>	£53,000	£51,000	£2,000
Oakwood Infant School	<p>Fire Risk Assessment Works:</p> <p>Fire precaution works are required following a fire risk assessment, to include installation of new doors and frames, replacement of existing doors and frames, installation of fire dampers, fire stopping to compartment walls, new fire barriers, extending emergency lighting and new fire signage.</p>	£132,000	£130,000	£2,000
Parkview Primary School	<p>Heating Replacement:</p> <p>Works are required to replace the two number gas boilers and associated pumps serving the entire school with modern energy efficient gas fired boilers.</p>	£232,000	£229,000	£3,000
Pear Tree Infant School	<p>Window Replacement</p> <p>Replacement of failing single glazed, metal framed windows and doors with modern powder coated aluminium double glazed units.</p>	£178,000	£176,000	£2,000
Shelton Junior School	<p>Fire Risk Assessment Works:</p> <p>Fire precaution works are required following a fire risk assessment, to include installation of new fire doors and frames, replacement of existing doors and frames, upgrade of wall construction to improve fire resistance and fire stopping to existing walls.</p>	£101,000	£99,000	£2,000

School	Scheme Description	Allocation	2022/23 Scheme Phasing	2023/24 Scheme Phasing
Silverhill Primary School	<p>Fire Risk Assessment Works:</p> <p>Fire precaution works are required following a fire risk assessment, to include installation of new doors and frames, replacement of existing doors and frames, upgrade of wall construction to improve fire resistance, fire stopping to existing walls, new fire barriers and modifications to the existing fire alarm system.</p>	£129,000	£127,000	£2,000
Silverhill Primary School	<p>Roofing Work:</p> <p>The works are to provide a new roof covering, replacement roof lights to the flat roof areas of the school and additional cut to fall insulation due to failings in the existing roofing roof and water ingress creating potential damage to the school building fabric.</p>	£358,000	£355,000	£3,000
Buildings at Risk	<p>Remaining Buildings at Risk - Condition Funding contingency</p> <p>Subject to 2021/22 year-end. To include mitigation works, and urgent health and safety condition works to prevent potential school closures. Further schemes to be prioritised and reported to Cabinet as necessary.</p>	£428,906	£0	£428,906
	<b>Maintenance Schemes Total:</b>	<b>£3,223,906</b>	<b>£2,754,000</b>	<b>£469,906</b>

**Table 2: Addition to the School Capital Programme of s106 funding for proposed new Primary School**

<b>Proposed New Primary School to serve the new Snelsmoor Grange, Boulton Moor, housing development.</b>	<b>Total Budget</b>	<b>Scheme Phasing 22/23</b>	<b>Scheme Phasing 23/24</b>	<b>Scheme Phasing 24/25</b>
Current capital programme phasing, subject to 21/22 year end, of existing received s106 funding.	£900,000	£900,000	£0	£0
Additional s106 Contribution to be applied to the capital programme following the completion of the Snelsmoor Grange, Boulton Moor, housing development.	£7,084,154	£3,448,480	£3,511,540	£124,134
<b>Total revised capital Programme</b>	<b>£ 7,984,154</b>	<b>£ 4,34,8480</b>	<b>£3,511,540</b>	<b>£124,134</b>

**Table 3: Addition to the School Capital Programme of Buttercup Leys Secondary Education s106 funding**

<b>Proposed Scheme</b>	<b>Total Budget</b>	<b>Scheme Phasing 22/23</b>	<b>Scheme Phasing 23/24</b>
Noel-Baker Academy:  Proposed two classroom teaching block with toilet and office provision, to be funded through an award of a standard Council grant to L.E.A.D Academy Trust and in line with terms of s106 agreement.	£502,800	£150,000	£352,800