

## LONDON BOROUGH OF CROYDON

To: all Members of the Council (via e-mail)  
Access Croydon, Town Hall Reception

### **PUBLIC NOTICE OF KEY DECISIONS MADE BY THE CABINET MEMBER FOR CHILDREN, YOUNG PEOPLE AND LEARNING ON 13 AUGUST 2015**

In accordance with the Scrutiny and Overview Procedure Rules, the following decisions may be implemented from **1300 hours on 21 August 2015** unless referred to the Scrutiny and Overview Committee:

The Leader of the Council has delegated to the Cabinet Member for Children, Young People and Learning the power (decision reference no. 50/15/LR) to make the decisions set out below:

The following apply to each decision listed below

**Reasons for these decisions:** are contained in the **attached** public report.

**Other options considered and rejected:** are contained in the **attached** public report.

**Details of conflicts of Interest declared by the Cabinet Member:** none

**CABINET MEMBER'S DECISION REFERENCE NO. 43/15/CYPL**  
**Decision Title: Beckmead College at Tennison Road – New SEN (Special Educational Needs) School Main Development**  
(The report is attached)

Having carefully read and considered the report and the requirements of the Council's public sector equality duty in relation to the issues detailed in the body of the report, the Cabinet Member for Children, Young People and Learning, in consultation with the Cabinet Member for Finance and Treasury and the Deputy Leader (Statutory) & Cabinet Member for Homes, Regeneration and Planning:

#### **RESOLVED to:**

Approve the award of a NEC3 Engineering and Construction Contract to JB Leadbitter & Co. ("the Contractor") for the main construction works to provide a 100 place post-14 SEN college on the former Priory School site on the corner of Selhurst Road and Tennison Road, South Norwood at a contract value of £8,775,822 plus a contingency sum to be held by the Council in the sum of £753,992 for a maximum contract sum of up to £9,529,814.

## Scrutiny Referral/Call-in Procedure

1. The decisions may be implemented after **1300 hours on 21 August 2015** (5 working days after the decisions were made) unless referred to the Scrutiny and Overview Committee.
2. The Borough Solicitor, Director Legal and Democratic Services shall refer the matter to the Scrutiny and Overview Committee if so requested by:-
  - i) the Chair or Deputy Chair of the Scrutiny and Overview Committee and 4 members of that Committee; or
  - ii) 20% of Council Members (14)
3. The referral shall be made on the approved pro-forma (*attached*) which should be submitted electronically or on paper to Jim Simpson and Solomon Agutu by **1300 hours on 21 August 2015**. Verification of signatures may be by individual e-mail, fax or by post. A decision may only be subject to the referral process once.
4. The Call-In referral shall be completed giving:
  - i) The grounds for the referral
  - ii) The outcome desired
  - iii) Information required to assist the Scrutiny and Overview Committee to consider the referral
  - iv) The date and the signatures of the Councillors requesting the Call-In
5. The decision taker and the relevant Chief Officer(s) shall be notified of the referral who shall suspend implementation of the decision.
6. The referral shall be considered at the next scheduled meeting of the Scrutiny & Overview Committee unless, in view of the Borough Solicitor, Director Legal and Democratic Services, this would cause undue delay. In such cases The Borough Solicitor, Director Legal and Democratic Services will consult with the decision taker and the Chair of Scrutiny and Overview to agree a date for an additional meeting. The Scrutiny & Overview Committee may only decide to consider a maximum of 3 referrals at any one meeting.
7. At the Scrutiny & Overview Committee meeting the referral will be considered by the Committee which shall determine how much time the Committee will give to the call in and how the item will be dealt with including whether or not it wishes to review the decision. If having considered the decision there are still concerns about the decision then the Committee may refer it back to the decision taker for reconsideration, setting out in writing the nature of the concerns.
8. The Scrutiny and Overview Committee may refer the decision to Full Council if it considers that the decision is outside of the budget and policy framework of the Council.
9. If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.

10. The Full Council may decide to take no further action in which case the decision may be implemented.
11. If the Council objects to the decision it can nullify the decision if it is outside of the policy framework and/or inconsistent with the budget.
12. If the decision is within the policy framework and consistent with the budget, the Council will refer any decision to which it objects together with its views on the decision. The decision taker shall choose whether to either amend / withdraw or implement the original decision within 10 working days or at the next meeting of the Cabinet of the referral from the Council.
13. The response shall be notified to all Members of the Scrutiny and Overview Committee
14. If either the Council or the Scrutiny and Overview Committee fails to meet in accordance with the Council calendar or in accordance with paragraph 6 above, then the decision may be implemented on the next working day after the meeting was scheduled or arranged to take place.
15. **URGENCY:** The referral procedure shall not apply in respect of urgent decisions. A decision will be urgent if any delay likely to be caused by the referral process would seriously prejudice the Council's or the public's interests. The record of the decision and the notice by which it is made public shall state if the decision is urgent and therefore not subject to the referral process.

Signed: Borough Solicitor, Director Legal and Democratic Services

**Date: 13 August 2015**

Contact Officers: [solomon.agutu@croydon.gov.uk](mailto:solomon.agutu@croydon.gov.uk) ;  
[Jim.Simpson@croydon.gov.uk](mailto:Jim.Simpson@croydon.gov.uk)

Telephone: 020 8726 6000 Ext. 62920

**PROFORMA**

**REFERRAL OF A KEY DECISION TO THE  
SCRUTINY AND OVERVIEW COMMITTEE**

For the attention of: Solomon Agutu & Jim Simpson  
Legal & Democratic Services Division

Meeting:  
Meeting Date:  
Agenda Item No:

**Reasons for referral:**

- i) The decision is outside of the Policy Framework
- ii) The decision is inconsistent with the budget
- iii) The decision is inconsistent with another Council Policy
- iv) Other: Please specify:

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**The outcome desired:**

**Information required to assist the Scrutiny and Overview Committee to consider the referral:**

Signed:

Date:

Member of \_\_\_\_\_ Committee

**For General Release**

<b>REPORT TO:</b>	<b>Cabinet Member for Children, Young People and Learning</b>
<b>AGENDA ITEM:</b>	<b>not applicable</b>
<b>SUBJECT:</b>	<b>Beckmead College at Tennison Road – New SEN school Main Development</b>
<b>LEAD OFFICER:</b>	<b>Jo Negrini Executive Director for Place/Paul Greenhalgh Executive Director for People</b>
<b>CABINET MEMBER:</b>	Cllr Alisa Flemming Cabinet Member for Children, Young People and Learning
<b>WARDS:</b>	<b>South Norwood</b>

**CORPORATE PRIORITY/POLICY CONTEXT**

The Capital Delivery Hub (CDH) Education Team has a remit to deliver the 2015 Schools Expansion Programme (the Programme) to increase the school places capacity on behalf of People Department The programme will deliver new school facilities to satisfy the growing permanent capacity requirements and will provide a much needed extension to the learning facilities at the existing Beckmead School.

**AMBITIOUS FOR CROYDON & WHY ARE WE DOING THIS:**

The delivery of this project is critical in ensuring the Authority is able to meet its statutory requirement to provide pupil places to meet Special Educational Needs (“SEN”) demand and will support the Authority in meeting the Policy Objectives of:

- Achieving better outcomes for children and young people
- Promoting economic growth and prosperity

**FINANCIAL IMPACT:**

There is a revised capital budget for 2015/16 of £11,315,710 to build a new SEN school facility on the site of the former Priory School building.

This report recommends commitment to a maximum contract award of £9,529,814 (which includes a contingency sum) to undertake construction services to provide a 100 place post-14 SEN college on the former Priory School site on the corner of Selhurst Road and Tennison Road, South Norwood.

**KEY DECISION REFERENCE NO.:** 43/15/CYPL

The decision may be implemented from 13:00 hours on the expiry of 5 working days after it is made, unless the decision is referred to the Scrutiny & Strategic Overview Committee by the requisite number of Councillors.

The Leader of the Council has delegated to the Cabinet Member for Children, Young People and Learners the power (**decision reference no. 50/15/LR**) to make the decisions set out in the recommendations below.

## **1. RECOMMENDATIONS**

- 1.1 The Cabinet Member for Children, Young People and Learning, in consultation with the Cabinet Member for Finance and Treasury and the Deputy Leader (statutory) is recommended to:
- 1.2 Approve the award of a NEC3 Engineering and Construction Contract to JB Leadbitter & Co. ("the Contractor") for the main construction works to provide a 100 place post-14 SEN college on the former Priory School site on the corner of Selhurst Road and Tennison Road, South Norwood at a contract value of £8,775,822 plus a contingency sum to be held by the Council in the sum of £753,992 for a maximum contract sum of up to £9,529,814.

## **2. EXECUTIVE SUMMARY**

- 2.1 This report recommends the award of an NEC3 Engineering and Construction Contract for the main construction works ("the Works") to provide a 100 place post-14 SEN college (the new college) on the former Priory School site on the corner of Selhurst Road and Tennison Road, South Norwood to JB Leadbitter & Co. ("the Contractor"), as part of the 2015 Schools Expansion Programme.
- 2.2 The overall budget for this project is £11,315,710 which includes for all pre construction design work, surveys, demolition of the existing building, construction of the new college and provision of furniture and specialist teaching equipment within the completed building. This report recommends entering into a contract at a value of £8,775,822 plus the approval of a contingency sum to be held by the Council in the sum of £753,992 making a maximum contract sum of up to £9,529,814.
- 2.3 The Detail section of this report sets out the background to the project, the procurement approach and evaluation process to select the Contractor.
- 2.4 The Contractor was awarded the Pre Construction Services Agreement ("PCSA") for design work under the iESE Major Construction Framework ("the iESE Framework"). The award of that agreement was approved through CCB on 13<sup>th</sup> February 2014 (CCB Number CCB0866/13-14).
- 2.5 The Contracts and Commissioning Board are approving the content of this award report subject to consultation having taken place between the Cabinet Member for Children, Young People and Learning, the Cabinet Member for Finance and Treasury and the Deputy Leader on 10<sup>th</sup> August 2015, *and they made no further comment or they commented on the following.....*

<b>CCB Approval Date</b>	<b>CCB ref. number</b>
6 <sup>th</sup> August 2015	CCB1031/15-16

### **3. DETAIL**

- 3.1 The new college will create a facility for students who do not flourish in conventional educational settings. The proposal is for a purpose-built 100 place post-14 special needs college on the former Priory School site on the corner of Selhurst Road and Tennison Road, South Norwood. The new college will be part of the Beckmead family of schools and will provide places for up to 50 full time pupils with special needs, aged from 14 to 19 plus a vocational training centre for 50 part time pupils from other special and mainstream schools.
- 3.2 The earlier design and now the main construction works have been procured as a two-stage design and build via a mini competition process calling off from the iESE Framework which is fully compliant with the Public Contracts Regulations. The first stage being a Pre Contract Services Agreement (“PCSA”) for design work, site surveys and open-book package procurement. The second stage is the main construction works on site.
- 3.3 Planning Permission for the main development was granted on 22<sup>nd</sup> April 2015.

### **PROCUREMENT APPROACH**

- 3.4 The Contractor is an iESE Framework Contractor, and was awarded this project via a mini competition called off from the iESE Framework. The Contractor has substantial experience of delivering schools capital projects.
- 3.5 iESE Framework arrangements and ethos are based on a collaborative procurement process. The Contractor has completed an open book tender exercise for the main construction works based on competitive quotes for each package of works. The Contractor has carried out the tendering of their subcontract packages using a transparent process which is checked and witnessed by the Council’s Quantity Surveyor. The build-up of the contract sum has been reviewed by the Council’s cost managers and property consultants and it has been confirmed that the correct procurement methodology has been followed and that the figures are in line with current market conditions.
- 3.6 The process facilitates active promotion of value for money.

### **4. CONSULTATION**

- 4.1 A statutory education consultation ran between 11 September and 23 October 2013. The school’s leadership team and Council officers agreed a consultation document which outlined details of the proposal and was used as a basis for consulting key stakeholders - parents/carers, staff, local residents - about the proposed expansion. A public consultation meeting, which Council officials attended, was held at the existing Beckmead School on 24 September; and at Victoria House on 26 September 2013.

The consultation questionnaire produced 16 responses.

- The majority of the respondents were ‘strongly in favour’ of the proposal
- The 11 members of staff that responded were ‘strongly in favour’ or ‘in favour’ of the proposal
- The 2 governors that responded were ‘strongly in favour’ of the proposal.

Decision to proceed was taken by Councillor Tim Pollard- (then) Deputy Leader (Communications) and Cabinet Member for Children, Families & Learning on 28<sup>th</sup> October 2013.

- 4.2 A pre planning public exhibition and meeting was held in December 2014. 750 invitations were sent out to households within 100 metres of the development site boundary, and also to Ward Councillors. Those who attended were all residents of Priory Gardens (the cul-de-sac adjacent to the site on Tennison Road) and were on the whole supportive of the development. Concerns with regards to the potential increased demand for on-street parking, have been addressed by the additional provision of eight staff car parking spaces and five mini bus parking on the site.
- 4.3 Ongoing community engagement will be conducted throughout the construction works period, as part of the Contractor’s duties and the project’s registration under the Considerate Constructors scheme.

## 5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 5.1 There is an overall budget allocation for the provision of the facility of £11,315,710 with the main development funded from this budget.

### 1 Revenue and Capital consequences of report recommendations

	Current year	Medium Term Financial Strategy – 3 year forecast		
	2015/16 £'000	2016/17 £'000	2017/18 £'000	2018/19 £'000
<b>Capital Budget available</b>	10,524			
Expenditure				
<b>Effect of decision from report</b>	9,530			
<b>Remaining budget</b>	994			

The capital budget available is equal to this year’s allocation in the sum of £9,174,389 plus slippage in the sum of £1,349,456 carried over from year 2014/15 which was approved by Cabinet in July. Minute reference A72/15).



Spend in previous years is £791,865, leaving a remaining budget of £10,523,845.

## **2 The effect of the decision**

The award of the main development contract will commit to a contract sum of £8,775,822 plus the approval of a contingency sum to be held by the Council in the sum of £753,992 making a maximum contract sum of up to £9,529,814 from the allocated budget. The remaining capital budget is reserved for other project fees.

## **3 Risks**

The Contractor has included a risk allowance within their tender offer to cover a number of identified risks and provided a detailed cost for each item which has been approved by the Council's cost managers and property consultants.

A number of items will remain as Council owned risks to be covered by the identified 5% contingency sum, held by the Council. This will be for increased survey costs and unforeseen requirements that may occur due to the length of time needed for delivery.

A formal risk register will be agreed and included in the NEC3 contract documentation.

The Contractor's offer is based on a start on site date of 21 September 2015; a delay to this start date may result in increased costs.

## **4 Options**

As this Award recommendation is for Stage 2 of a 2-Stage Design and Build process that was competitively tendered, and the Main Contract Price has been reviewed, and confirmed to be value for money by the Council's appointed cost consultants. No further options have been investigated in respect of this proposal.

## **5 Future savings/efficiencies**

Allowing these works to go ahead in September as proposed allows the Contractor to proceed with the current tendered prices without re-tendering in a rising market.

Approved by Dianne Ellender Head of Finance and Deputy Section 151 Officer.

## **6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER**

- 6.1 The Council Solicitor comments that the procurement process as detailed in this report meets the requirements of the Council's Tenders and Contracts Regulations and its statutory duty to secure best value under the Local Government Act 1999.

Approved by: Gabriel Macgregor, Head of Corporate Law on behalf of the Council Solicitor and Monitoring Officer

## **7. HUMAN RESOURCES IMPACT**

- 7.1 This report does not directly raise considerations of staffing levels, restructuring, TUPE implications, employee relations, the Council's personnel policies or other Human Resources matters and has therefore not sought approval from Human Resources.

## **8. EQUALITIES IMPACT**

- 8.1 An initial equalities impact assessment has been undertaken which concluded that further Equality Analysis is not required as no equality or diversity issues have been identified as directly relevant to the project.

## **9. ENVIRONMENTAL IMPACT**

- 9.1 The Contractor will comply with the Considerate Constructors scheme as follows:

- Identifying, managing and promoting environmental issues.
- Seeking sustainable solutions, and minimising waste, the carbon footprint and resources.
- Minimising the impact of vibration, air, light and noise pollution.
- Protecting the ecology, the landscape, wildlife, vegetation and water courses.

As a condition of contract the Contractor and its subcontractors will be required to dispose of waste off site in line with current Government legislation.

Planning Permission is subject to the building achieving a BREEAM rating of Excellent and compliance with the London Plan reduction of carbon, 40% beyond Building Regulations 2010 Part L.

## **10. CRIME AND DISORDER REDUCTION IMPACT**

- 10.1 There is no direct impact in reducing crime and disorder associated with this Award, however, the commencement of the main development will discourage illegal trespass on the site.

## **11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION**

- 11.1 The recommendation detailed in this report and the report produced by the Councils property consultants, is to award the main construction works contract to JB Leadbitter & Co for the Beckmead College, Tennison Road SEN School project.

## **12. OPTIONS CONSIDERED AND REJECTED**

12.1 As the Contractor's proposals fulfil the Council's requirements and are considered to offer value for money, no further options have been considered for this project.

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**CONTACT OFFICER:**

<b>Name:</b>	Emma Davies
<b>Post title:</b>	Project Manager
<b>Telephone number:</b>	020 8726 6000 ex 63202

Note: There is no separate Part B report; all details are contained within this Part A.

**Background Documents:** None.