

## **CABINET**

<b>DATE</b>	9 <sup>th</sup> March 2022
<b>REPORT OF</b>	Councillor Ian Lindley Portfolio Holder for Children and Education
<b>RESPONSIBLE OFFICER</b>	Joanne Hewson Deputy Chief Executive and Executive Director for People, Health and Care
<b>SUBJECT</b>	Schools Capital Programme
<b>STATUS</b>	Open
<b>FORWARD PLAN REF NO.</b>	CB 02/22/10

### **CONTRIBUTION TO OUR AIMS**

The Council has a statutory duty under the Education Act 1996 to ensure the provision of sufficient and suitable pupil places for its children.

Pupil predictions have identified future shortfalls of pupil places to meet the needs of the immediate community and any new housing provision as identified within the Local Plan, which is prevalent to that immediate area of the town. Due to new housing developments, there is a need identified within this report to seek to build two new primary schools to serve the areas of Waltham and Scartho, and to create additional pupil places in Cleethorpes, Laceby and New Waltham.

The identified rolling programmes of Schools' Capital Condition works, High Need and Basic Need (provision of new pupil places) will also contribute directly towards the Council's strategic priority of supporting the development of 'Stronger Communities' by providing a fit for purpose service model aligned to the use of physical property which continues to support communities across the Borough.

### **EXECUTIVE SUMMARY**

This report seeks authority to implement the recommendations of approving the rolling programme of capital works for the Local Authority's Schools Condition, High Need and Basic Need Government Grant allocations within the Council's school estate.

### **RECOMMENDATIONS**

It is recommended that Cabinet:

1. Approves and delegates authority to the Executive Director for People, Health and Care in consultation with the Portfolio Holder for Children and Education to:
  - a. Approve the continuing rolling programme of identified highest priority condition works within the Schools Capital Maintenance Programme.

- b. Approve the programme of new pupil places schemes to ensure that the Local Authority has sufficient and suitable school places to meet its statutory responsibility in accordance with the Education Act and the demand for local places due to new housing developments. This programme includes the need for two new 210 place primary schools, as well as expanding some of the Local Authority's existing sites by the creation of a further 150 pupil places at Cleethorpes Academy, and 245 pupil places across Laceby and New Waltham schools.
  - c. Approve the programme of works within the High Need Programme.
  - d. Commence procurement exercises where necessary in connection with the above, and to appoint suitable providers to run two new proposed 210 place primary schools to include award, mobilisation and implementation at the appropriate time.
  - e. To carry out all ancillary activity reasonably arising from the above.
2. Authorises the Assistant Director Law, Governance and Assets to execute any documentation arising from the above recommendations.

## **REASONS FOR DECISION**

The Local Authority has a statutory duty to ensure sufficient and suitable provision of school pupil places for its residents. The local increase in the birth rate has resulted in a significant increase in pupil numbers which are now starting to impact upon secondary provision. The Cleethorpes area of the town is identified as having a shortfall of 400 places. 100 of these places have already been addressed through the initial growth of Beacon Academy. In October 2021, the Local Authority was informed by the Department for Education that this site had been identified within Wave 2 of the Government's 500 New Schools Programme for a new 600 place provision. The Local Authority had already identified that it required a 750 place site and is currently in discussion with the Department over a contribution for the additional 150 places it requires to meet demand. This financial ask as captured within the attached Pupil Place Financial Forecast (Appendix A) was presented to Cabinet on the 16<sup>th</sup> February 2022. The remaining required 150 places will be met through the expansion of Cleethorpes Academy.

There are also emerging pressures within specific primary planning areas (Laceby Village, New Waltham, Scartho and Waltham Village) which require new pupil places to meet the demand which has been further impacted by new housing developments, which in turn will further impact upon secondary provision.

## **1. BACKGROUND AND ISSUES**

1.1 The rising number of the pupil population and the impact of the Borough's future housing requirements and aspirations, as detailed within the Local Plan, have resulted in a need to ensure sufficiency of pupil place provision for current and future residents within some planning areas of the Borough.

- 1.2 The Local Authority has a rolling five-year programme of identified priority condition schemes which is reviewed annually to ensure that the grant allocation is targeted against the highest priority schemes as identified in Asset Management Plan (condition surveys).
- 1.3 Having previously addressed increases to primary provision in key locations across the Borough in recent years, the pupil numbers are now impacting upon the Local Authority's secondary provision. It is identified that the Cleethorpes area of the Borough requires an additional 400 secondary pupil places.
- 1.4 Through the Education Act 2011 Section 6A, Free School Presumption, the Local Authority will seek to run a competition to appoint suitable providers to run two new proposed 210 place primary schools, to ensure that the Local Authority has sufficient and suitable school places to meet its statutory responsibility as per the Education Act 1996. The new proposed schools will be Academies built by the Local Authority and serve the areas of Waltham and Scartho. Cabinet should note that the Presumption Process is subject to further permissions, consultations and a procurement exercise before build can commence.
- 1.5 In addition, the planning areas of Laceby and New Waltham are being significantly impacted by the demand for primary places versus availability due to new housing developments and a shift in the Borough's population. This demand will also further impact upon secondary provision.

## **2. RISKS AND OPPORTUNITIES**

- 2.1 By reacting proactively to the identified priorities captured within the School Asset Management Plans, the Local Authority is ensuring that no maintained site suffers a building failure resulting in unexpected site closure and disruption to the school term.
- 2.2 By not reacting proactively to the increased demand for the provision of school places, the Local Authority could find itself in a position of having insufficient and unsuitable pupil places, thus not meeting its statutory duty in accordance with the Education Act.
- 2.3 The Local Authority's Education Transport Policy sets out its duty to support parents with transport to schools. Free transport must be provided if the school is, for primary pupils up to the age of 7 more than 2 miles away and 8 years and over more than 3 miles away. This requirement is not means tested.

## **3. OTHER OPTIONS CONSIDERED**

- 3.1 Other schools in the areas of required growth have been consulted upon the identified programme and proposed sites.
- 3.2 Ensuring sufficient pupil places across all of its school estate is a statutory duty of Local Authorities, and Central Government provides all Local Authorities with an allocation based upon the annual School Capacity Return (SCAP)

specifically for the purpose of supporting this need.

- 3.3 The good practice of robust asset management for school buildings ensures that buildings do not fail and have to close unexpectedly, and Central Government provides all Local Authorities with an allocation based upon its maintained schools pupil count specifically for this purpose.
- 3.4 High needs provision is a government identified emerging need and over the last two financial years Local Authorities have received an allocation from the DfE. The indications are that Local Authorities will receive a further Government allocation for the 22/23 financial year (sum not yet known).
- 3.5 An option to do nothing would result in a lack of suitable and sufficient pupil places and an inability to fulfil the statute duty and a risk of school closure if priority condition matters are not addressed.

#### **4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS**

The positive benefit to the Council's reputation will be the continued availability of sufficient and suitable pupil places for the children of the Borough within their own locality in fit for purpose school buildings.

#### **5. FINANCIAL CONSIDERATIONS**

- 5.1 The Local Authority currently receives an annual Government Basic Need Grant allocation.
- 5.2 The Basic Need allocations for 2020/21 and 2021/22 equates to £4,390,000. This sum is derived from the annual Schools Capacity return, which captures current pupil numbers across all the Local Authority's school estate (except nursery schools, special schools and pupil referral units). The return also captures future predictions and new online housing developments. Currently the Local Authority has yet to receive notifications of future financial years allocations, 2022/23 and beyond.
- 5.3 There is currently a call on the Council resources to support the programme identified within this report as captured within the Pupil Place Financial Forecast (Appendix A). It is noted that subject to further Government Grant allocations and the securing of Section 106 monies, this call may be reduced in future years of the programme. There will also be a revenue cost regarding the opening and staffing of the two proposed new schools. It is anticipated that these sums will be met from the Dedicated Schools Grant, however, should the sum required exceed available monies, there will be a need to come back to Cabinet for approval to meet any shortfall from Corporate Resources.
- 5.4 The creation of additional new and suitable pupil places will result in additional teaching and education related positions within the Borough.
- 5.5 There will be requirement for the financial ask for the New Pupil Places programme to be reassessed annually to take into account any future secured Basic Need allocations and any Secured S106 education sums which the Council is in receipt of, which may result in a reduction upon the financial call from Corporate Resources.

5.6 Attached is the current 22/23 and beyond Pupil Place Financial Forecast (Appendix A) based upon the current position of the identified New Pupil Places Programme.

## **6. CHILDREN AND YOUNG PEOPLE IMPLICATION**

There is a statutory call upon Local Authorities to ensure the provision of sufficient and suitable pupil places for its residents. By approving the capital spend and programme, pupils and staff benefit from a 21<sup>st</sup> century school environment, which increases aspirations and curriculum opportunities for pupils and provides localised provision.

## **7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

The Local Authority are committed to building wherever possible carbon neutral schools.

## **8. CONSULTATION WITH SCRUTINY**

The School Organisation Plan was presented to Scrutiny January 2019 and captured within the plan is the need to grow education sites in line with demand for new pupil places because of the increase in the birth rate and to meet the demand for localised provision generated from new housing developments. The plan is currently in the process of being refreshed for 2022 and beyond.

## **9. FINANCIAL IMPLICATIONS**

- 9.1. The proposed Basic Need (New Pupil Places) Programme is proposed to be funded through Central Government's Basic Need Grant, secured Education Section 106 sums and corporate borrowing
- 9.2. The programmes for High Need Places and Schools Maintenance are to be funded through Central Government grant allocations.
- 9.3. To confirm ongoing need for the new pupil places programme it is important that the programme, costs and external funding opportunities are reviewed each year.
- 9.4. Any call upon corporate borrowing has a direct impact upon prudential indicators and the affordability and sustainability of funding requests will need to be considered on a case by case basis.
- 9.5. If the programme proceeds as outlined this would require corporate borrowing of £13.817m by the end of 2024/25, with annual borrowing costs in the region of £900k per annum.

## **10. LEGAL IMPLICATIONS**

- 10.1. The legal implications arising are largely covered in the above report. The recommendation to approve the schemes will enable the Local Authority to comply with its statutory duty pursuant to the Education Act 1996 and is consistent with the School Organisation Plan.

10.2 The procurement exercises will be conducted so as to comply with the Council's policy and legal obligations, specifically in compliance with the Council's Contract Procedure Rules and the Public Contracts Regulations 2015 and supported by relevant officers.

10.3 The delegations sought are consistent with an exercise of this nature.

10.4 Officers should note that an award constitutes a further decision and will be subject to completion of an Officer Decision Record. Where key decision criteria are met such Officer Decision Record will be subject to call in. Award and implementation timelines should accommodate this.

#### **11. HUMAN RESOURCES IMPLICATIONS**

There are no direct HR implications.

#### **12. WARD IMPLICATIONS**

All wards are potentially affected as the school estate serves the entire borough

#### **13. BACKGROUND PAPERS**

None

#### **14. CONTACT OFFICER(S)**

Christine Scott, Schools Estate Manager, 323152

**COUNCILLOR IAN LINDLEY**  
**PORTFOLIO HOLDER FOR CHILDREN AND EDUCATION**

Pupil Place Planning Projects to Increase Capacity in Schools in Priority Order	Places Provided	Total Funding Required	Funding Secured Basic Need and Section 106	Developments on Site (S106 agreed but not yet within the Council's gift so currently cannot be guaranteed)	S106 Sums Agreed yet to start on Site	Funding Required from Corporate Resources	Anticipated Year to start on site	Expenditure Required in Financial Year 22/23	Expenditure Required in Financial Year 23/24	Expenditure Required in Financial Year 24/25
**Beacon Academy	Increase 150 Places	3,500	3,500	469	408		22/23	3,500		
Clee Academy	Increase 150 Places	2,000	1,500			500	22/23	2,000		
New School 1	Provision 210 Places	5,000	90	482		4,910	23/24		2,000	3,000
Waltham leas Bulge Class	Maximum 15 Places	500				500	22/23	500		
Enfield Primary Academy	Increase 35 Places	1,200	789			411	22/23	1,200		
New school 2	Provision 210 Places	5,000	346	685		4,654	23/24		2,000	3,000
Laceyby Stanford School	Increase 105 Places	1,000	158	226	349	842	23/24		1,000	
New Waltham Primary Academy	Increase 105 Places	2,000		1,000		2,000	24/25			2,000
<b>Totals</b>		<b>20,200</b>	<b>6,383</b>	<b>2,862</b>	<b>757</b>	<b>13,817</b>		<b>7,200</b>	<b>5,000</b>	<b>8,000</b>

4,910

\*\*Beacon Academy - this sum in the financial plan was subject to a February 22 Cabinet Report. The capital sum captured within that report was to ensure that the DfE build a 750 place new school to meet the LA's need, opposed to the indicated like for like 600 provision.

Please note that further housing developments may come forward and currently the LA has no indication of future years Basic Need Grant allocations. As grant sums are known and S106s move into the Council's gift this may reduce the sums currently requested from Corporate Resources and this financial profile will be reviewed annually.