

CABINET – 29 May 2013 EXECUTIVE SUMMARY OF AGENDA ITEM 9

Report title: Purchase of site in Montpelier for the development of additional Primary School places.

Wards affected: Ashley Ward

Strategic Director: Annie Hudson: Strategic Director Children, Young People and Skills

Report Author: Bob Rutherford, BSF and Capital Manager

RECOMMENDATION for the Mayor's approval:

That the Strategic Director Children Young People and Skills is authorised, subject to consultation with the relevant Cabinet member, to:

1. Approve the purchase of land and premises in Montpelier in accordance with the proposed heads of terms set out in the exempt appendix (appendix 1) to the report.
2. Approve the lease of the land to Colston Girls' Academy for 125 years.

Key background / detail:

a. This report seeks support to approve the purchase of land and premises in Montpelier (see exempt appendix 1) together with the onward lease to the Academy for 125 years. The land is required for the development of additional primary school places to meet the rising child population within the Ashley, Easton and Lawrence Hill Neighbourhood Partnership Area. This demographic pressure was identified in the School Organisation Strategy that was considered by cabinet on 27th September 2012 (CAB 28.9/12, refers).

b. Key details:

1. Within the Ashley, Easton and Lawrence Hill Neighbourhood Partnership Area the School Organisation Strategy identifies that there will be a shortfall equivalent to 4FE of primary school provision by 2016.
2. The purchase of the land at Bath Buildings enables the creation of a new co-Ed, all through Primary School to be managed by Colston Girls' Academy.

**BRISTOL CITY COUNCIL
CABINET
29 May 2013**

REPORT TITLE: Purchase of site in Montpelier for the development of additional Primary School places.

Ward(s) affected by this report: Ashley Ward.

Strategic Director: Annie Hudson: Strategic Director Children, Young People and Skills

Report author: Bob Rutherford, BSF and Capital Manager.

Contact telephone no. & e-mail address: 0117 903 7596
bob.rutherford@bristol.gov.uk

Purpose of the report:

This report seeks support to approve the purchase of land and premises in Montpelier (see exempt appendix 1) together with the onward lease to the Academy for 125 years. The land is required for the development of additional primary school places to meet the rising child population within the Ashley, Easton and Lawrence Hill Neighbourhood Partnership Area. This demographic pressure was identified in the School Organisation Strategy that was considered by cabinet on 27th September 2012 (CAB 28.9/12, refers).

RECOMMENDATION for the Mayor's approval:

That the Strategic Director Children Young People and Skills is authorised, subject to consultation with the relevant Cabinet member, to:

1. Approve the purchase of land and premises in Montpelier in accordance with the proposed heads of terms set out in the exempt appendix (appendix 1) to the report.
2. Approve the lease of the land to Colston Girls' Academy Trust for 125 years.

The proposal:

INTRODUCTION

1. The City Council has a statutory duty to ensure that there are sufficient school places within its area of responsibility to meet the present and future demands for pupil places; to ensure that there is diversity in the provision of schools; and to ensure that there are increased opportunities for parental choice¹.
2. The revised School Organisation Strategy, which was considered by Cabinet on 27th September 2012 (CAB 28.9/12, refers), describes the demographic trends in the child population from 2012 through to 2016. The Strategy identifies that over the next five years there will be a shortfall of over 3,500 primary school places across the City, if the Council takes no action.

BACKGROUND INFORMATION

3. Within the Ashley, Easton and Lawrence Hill Neighbourhood Partnership Area the School Organisation Strategy identifies that there will be a potential shortfall equivalent to 4FE of primary school provision by 2016 unless the City Council takes action to address the shortfall.
4. To meet the increased demand for places within the Ashley, Easton and Lawrence Hill Neighbourhood Partnership Area a number of schemes have been implemented/proposed. These are summarised in Diagram 1.
5. The potential 4FE shortfall makes allowance for the six expansion schemes identified below in Diagram 1.

Diagram 1: Summary of the schemes implemented or proposed for the Ashley, Easton and Lawrence Hill Neighbourhood Partnership Area (including RAG rating).

School Name	Additional Capacity Created	Additional Reception place development					
		2011	2012	2013	2014	2015	2016
Barton Hill Primary School – Expansion from 1.5FE to 2FE from 2011. Expansion from 2FE to 3FE from 2013	1.5FE	√	√	√	√ ¹	√	√
Easton Primary School – Expansion from 1.7 FE to 3 FE.	1.3FE	√	√	√	√	√	√
Hannah More Primary School - Expansion from 1FE to 2 FE	1FE	√	√	√	√	√	√
Millpond – Expansion from 1 to 2 FE	1FE	√	√	√	√	√	√
St Werburgh's – Expansion from 1 to 2 FE from 2014.	1FE				√	√	√
The Dolphin School – New 1 FE provision in 2012. Expansion to 2 FE from 2013.	2FE		√	√	√ ²	√	√
TOTAL ADDITIONAL CAPACITY CREATED (FE)		3.8 FE	4.8 FE	5.8 FE	4FE	5FE (6FE)	5FE (6FE)

Notes:

¹ For September 2014 the additional capacity Barton Hill Primary school is provisional based on the timing of vacant possession of the CYPs Beam Street Offices.

² For September 2014 the additional capacity at Dolphin Primary school is provisional based on the the purchase of the land in this report.

¹ School Standards and Framework Act 1998, Section 26

Consultation and scrutiny input:

a. Internal consultation:

- Children's Services Scrutiny
 - 23/1/12 (CS 78.1/12)
Scrutiny discussed the CYPS capital programme and requested that capital funding allocations for education are ring fenced for the development of primary school places.
 - 10/9/12 (CS 43.9/12)
Scrutiny considered the need to identify permanent solutions to meet the demand for school places by obtaining more land to build new schools.
 - 22/10/12 (CS 56.10/12)
Scrutiny considered the revised School Organisation Strategy and as part of that review recognised that there was a lack of suitable land within the City Council's land portfolio for education purposes within the City and there was a need to acquire additional land to meet the increasing demand for places in some areas of the City.

b. External consultation:

• Local Schools

Schools in the area have been sympathetic to the needs of the community and of the City Council in meeting the requirement for additional places. Land is at a premium within local schools and unless additional land can be acquired further expansion is not possible. The acquisition of a new site for expansion would give schools, parents and Governors confidence that they will have facilities available for additional admissions in September 2013 and beyond.

The New Dolphin Primary School

Dolphin Primary School is part of the Colston Girls' Academy. The 11 to 19 Academy was formerly a Private, fee paying School, which became an Academy in 2010. The City Council provided capital funding to enable investment in premises as part of the secondary school Building Schools for the Future Programme. The Academy came forward through those working arrangements to offer to open a new Primary facility.

Other options considered:

• Do nothing:

To do nothing is not an option that would be recommended (see Risk Register in Appendix 2).

The demand for Reception places within the Ashley, Easton and Lawrence Hill Neighbourhood Partnership Area continues to increase. Ignoring the growth in the child population will:

- result in significant numbers of children having to be educated outside of their community;
- result in an increased negative transport impact and potential home to school travel costs for the City Council;

- result in potential non-attendance or late attendance due to excessive travelling;
 - lead to increased community agitation;
 - lead to poor media attention and possible judicial review;
 - lead to possible Secretary of State Intervention;
- **Find an alternative location for the school annex:**
Land is at a premium within the Ashley, Easton and Lawrence Hill Partnership Area. Opportunities to secure land for a school/school annex have been on-going for over two years. Numerous sites have been considered and include:
 - ***The development of a school on a local site (still for sale)***
This opportunity became Option 2. This is because the site is smaller and the purchase cost considerably higher than the proposed site.
 - ***The development of a school in the adjacent LA Library.***
This Library site has already been declared surplus, sold to a developer who has a residential planning consent.
 - **Why could the current school not be developed?**
The current Colston Girls' Academy is a very restricted site for secondary aged pupils. A new 2FE Primary facility would place the campus well under the current DfE School guidelines.

Public sector equality duties:

Before making a decision, section 149 of the Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following "protected characteristics": age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

Each decision-maker must, therefore, have due regard to the need to:

- i) eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.*
- ii) advance equality of opportunity between persons who share a relevant protected characteristic and those do not share it. This involves having due regard, in particular, to the need to:*
 - *remove or minimise disadvantage suffered by persons who share a relevant protected characteristic.*
 - *take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);*
 - *encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.*
- iii) foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.*

Buildings will be designed to meet the Bristol Access Standard and when completed will be subject to the City Councils Admission Policy.

Eco impact assessment

The Environmental Impact Assessment is detailed in Appendix 3

The net effects of the proposals are:

- Average buildings-related emissions from Bristol primary schools are around 80 tonnes CO₂ per school per year. In addition there are emissions from travel and procurement of goods and services. In the longer term, there will also be increased emissions from increased secondary-school places.
- Emissions can be significantly reduced through specification and design of the new facilities, and sustainable procurement of goods and services.
- The overall impact is negative.

Resource and legal implications:

Finance

Financial (revenue) implications:

a. Revenue

This report addresses the purchase of land. There are no revenue consequences associated with this purchase. The creation of additional school places; which is the expected outcome from the purchase will have revenue implications in relation to the Dedicated Schools Grant.

The Schools Finance (England) Regulations state that from April 2013 funding for schools through the Dedicated Schools Grant (DSG) must be based on the numbers on roll at the time of the October pupil count preceding the financial year with no in-year adjustments other than for exclusions or individually assigned SEN resources.

Currently, the Schools Forum has the power to waive this rule by prior agreement with the Local Authority. Funding has already been set aside to fund the continuation of new classes opened since September 2010.

Schedule 2 of the proposed School and Early Years Finance (England) Regulations 2013 allows the local authority to retain funding incurred due to significant growth in pupil numbers as a result of the local authority's duty ...'to secure that efficient primary education and secondary education are available to meet the need of the population of their area, but only where the authority has set criteria for the determining circumstances in which expenditure can be incurred and the basis for calculating the amount of any such expenditure ...'. The local authority must consult the School Forum in advance of retaining the funds which replicates the current position with criteria already agreed.

Advice given by: Megan Lumsdaine, Finance Business Partner

Date: 20th May 2013

b. Financial (capital) implications:

The purchase cost for the land and buildings is still subject to negotiation.

On the 27th September 2012 Cabinet provisionally approved an overall budget of £4.2m for the development of primary school facilities within the locality.

Within the overall provisional allocation of £4.2m the City Council has secured £2.0m from the 2012/13 capital funding allocation.

Since the decision in September 2012, the Council has received a further allocation of £32m 2013/14 and 2014/15 capital. This will be used to fund the balance of the project. It should, however, be noted that the purchase price of the property in question only forms a small part of the budget for this project and is well within the funding allocation already approved.

Advice given by Jon Clayton (Principal Accountant)

Date: 23rd November 2012

c. Legal implications:

The proposal would enable the LA to fulfil its functions in respect of the provision of schools for its area.

The statutory powers are:

Section 14 (1) of the Education Act 1996 obliges each local authority to secure that there are sufficient schools for providing primary education and secondary education available for their area although there is no requirement that those places should be exclusively in their area. The local authority is not itself obliged to provide all the schools required, but to secure that they are available.

Section 14(3A) of the Education Act 1996 provides that a local authority shall exercise their functions under section 14 “with a view to (a) securing diversity in the provision of schools; and (b) increasing opportunities for parental choice.”

Section 111 of the Local Government Act 1972 empowers the local authority to facilitate the discharge of its statutory duty to secure that sufficient places are available for the primary and secondary education of Bristol’s children, under Section 14(1) of the Education Act 1996.

Acquisition of land by agreement under Section 120, Local Government Act 1972 and Section 226 Town and Country Planning Act 1990

School organisation proposals must follow the statutory framework set out in the Education and Inspections Act 2006, supporting regulations and statutory guidance. Any such proposals will need ongoing close liaison with Legal Services to ensure that the legal requirements are met throughout the process.

Advice given by: *Genny Seneque*, Lawyer (Education), Legal Services
Date: 30th April 2013

d. Land / property implications:

The purchase price for the site is set out in the exempt Appendix.

Advice given by: Neil Piper (Principal Project Officer, Corporate Property)
Date: 29th April 2013

e. Human resources implications:

There are no human resource implications associated with the purchase of land.

Appendices:

Appendix 1 – Exempt Appendix

Appendix 2 – Eco-impact Checklist

Appendix 3 – Risk Assessment

Risk management / assessment:

<p style="text-align: center;">FIGURE 1</p> <p style="text-align: center;">The risks associated with the implementation of the purchase of land at Bath Buildings decision :</p>							
No.	RISK Threat to achievement of the key objectives of the report	INHERENT RISK (Before controls)		RISK CONTROL MEASURES Mitigation (ie controls) and Evaluation (ie effectiveness of mitigation).	CURRENT RISK (After controls)		RISK OWNER
		Impact	Probability		Impact	Probability	
1	The premises under consideration will not convert easily to education use	High	Low	An initial evaluation of the premises has been undertaken by the Academy which indicates that the premises would not convert and will require demolition with new build school.	Low	Low	Service Manager: Capital, Assets and Access
2	Problems are identified during the design programme that results in 'Abnormal' additional costs.	High	High	The Authority will work with the Academy to identify an indication of the contingency that may need to cover for 'abnormal' costs they may encounter during the development of the project. Actual issues will not be identified until intrusive evaluations have been made and the scheme moves through to feasibility.	High	Medium	Service Manager: Capital, Assets and Access
3	The project will not secure planning approval as the current use is Industrial	High	Medium	There will be a need for early dialogue with Planners at Pre-Planning Consultation.	High	Medium	Service Manager: Capital, Assets and Access
4	The project will not secure planning approval due to Highways.	High	Medium	There will be a need to identify highway mitigation measures. This will be ascertained at Pre-Planning Consultation.	High	Low	Service Manager: Capital, Assets and Access
5	The pupils forecasted for the Ashley, Easton and Lawrence Hill neighbourhood Partnership Area do not materialise.	Medium	Medium	The forecasts are based on a model which takes data from GP registrations, planning, and infant mortality. The model is tested against actual demand and is within 5% accuracy.	Medium	Low	Service Manager: Capital, Assets and Access
6	The negotiation for the purchase falls through at the final stage	High	High	The owner of the site is aware that the site is needed for education purposes and is supportive of the City Council in meeting this objective. However, completion is subject to the current tenant finding new premises.	High	Medium	Service Manager: Capital, Assets and Access
7	There is a failure to agree a price for the purchase of the land	High	High	The owner of the site is aware that the site is needed for education purposes and is supportive of the City Council in meeting this objective.	High	Medium	Service Director: Resource, Planning and Performance

FIGURE 2

The risks associated with not implementing the purchase of land at Bath Buildings decision:

No.	RISK Threat to achievement of the key objectives of the report	INHERENT RISK (Before controls)		RISK CONTROL MEASURES Mitigation (ie controls) and Evaluation (ie effectiveness of mitigation).	CURRENT RISK (After controls)		RISK OWNER
		Impact	Probability		Impact	Probability	
1	The shortfall from September 2013 will not be addressed. This may lead to 120 Reception children having to be educated outside of their local community.	High	High	The City Council will need to identify land (a minimum of 5,500m ²) to develop buildings and external space within 800m of the epicentre of demand within the Ashley, Easton and Lawrence Hill Neighbourhood Partnership Area without double accounting land already identified to meet demand in other adjoining Neighbourhood Partnership Areas	High	High	Service Manager: Capital, Assets and Access
2	Increased home to school travel costs for the City Council as pupils are transported out of their community to the nearest available school.	High	High	Set aside additional budget to meet this Revenue implication: this will reverse all the work that has gone into reducing Home to School Travel costs	High	Medium	Service Manager: Capital, Assets and Access
3	Potential non-attendance or late attendance of pupils due to excessive travelling: this is exacerbated where parents have children at more than one school that are a considerable distance apart.	High	High	Try to work with families where siblings are to be sent to different schools to identify best options for optimum attendance and ease of travel arrangements.	High	High	Service Manager: Capital, Assets and Access
4	Increased community agitation that is generated because families that live close to a school are unable to secure a place at that school for their children and are required to travel a long distance to the next available school.	High	High	There will be a need to keep the community informed of developments and opportunities being explored to mitigate the shortfall in places and growing demand.	High	Medium	Service Manager: Capital, Assets and Access
5	Poor media attention due to the City Council failing to meet its Statutory Duty.	High	High	There will be a need to keep media informed of developments and opportunities being explored to mitigate the shortfall in places and growing demand.	High	Medium	Service Manager: Capital, Assets and Access
6	Possible judicial review due to the failure of the City Council to meet its statutory duty.	High	Medium	There will be a need to keep the community informed of developments and opportunities being explored to mitigate the shortfall in places and growing demand.	High	Medium	Service Manager: Capital, Assets and Access
7	Possible Secretary of State Intervention due to the City Council failing to meet its statutory duty.	High	Medium	There will be a need to keep the community informed of developments and opportunities being explored to mitigate the shortfall in places and growing demand.	High	Medium	Service Manager: Capital, Assets and Access
8	Loss of opportunity to secure land in the Ashley, Easton and Lawrence Hill Neighbourhood to secure land where land is at a premium.	High	High	Continue search to identify suitable sites	High	Medium	Service Manager: Capital, Assets and Access
9	Additional housing developed in Ashley, Easton and Lawrence Hill will add significantly to existing demographic pressures.	High	High	Continue search to identify suitable sites	High	Medium	Service Manager: Capital, Assets and Access
10	The economic sustainability of the City will be compromised due to failure to secure social infrastructure as an incentive for future external investment in employment.	High	High	Continue search to identify suitable sites	High	Medium	Service Manager: Capital, Assets and Access

Eco Impact Checklist

Title of report: Purchase of Land at Bath Building, Montpelier for the development of additional primary school places				
Report author: Bob Rutherford				
Anticipated date of key decision May 2013				
Summary of proposals: purchase of land at Bath Building, Montpelier for 2FE Primary school, by 2014.				
Will the proposal impact on...	Yes/ No	+ive or -ive	If yes...	
			Briefly describe impact	Briefly describe Mitigation measures
Emission of Climate Changing Gases?	Y	-ve	In the short-term, there is a potential for secondary emissions of climate changing gases arising through the use of energy and materials during the construction works.	Alternatives to resistance electrical heating to be implemented where feasible. 20% of energy demand to be met through on-site renewables. (BCS 14 planning requirement)
		+ve	By increasing capacity near to the point of demand, travel impacts may be reduced.	Temporary classrooms to be Building Regulations Part L compliant. Refurbishment to meet BREEAM Very Good (assuming development of BREEAM for refurbishment standard)
Bristol's vulnerability to the effects of climate change?	Y	-ve	Buildings: -May be at risk of flooding. -May increase the area of impermeable surfaces -May not be robust enough to cope with extreme temperature variations, or violent storms -Consume water	Sustainability Statement to detail how the development responds to the need to mitigate and adapt to climate change. (BCS13 planning Requirement). Ensure that peak surface-water run-off is not increased.
Consumption of non-renewable resources?	Y	-ve	In the short-term, there is a potential for the consumption of fossil fuels and other non-renewable materials products arising through the use of energy and materials during the construction works. In the long-term, there will be consumption of fossil fuels for heating and power, and also for travel to and from the sites	Sustainability of materials is considered as part of the BREEAM assessment and council sustainability requirements. School travel plan to be implemented within 6 months of opening.

Production, recycling or disposal of waste	Y	-ve	Waste will arise from construction and demolition works Waste will arise from the normal operation of the school	Construction contractors are legally obliged to prepare site waste management plans for all projects in excess of £300k, which detail how waste will be minimised, and recycling promoted. School will be required to provide recycling facilities – in particular, paper, glass, cardboard and food.
The appearance of the city?	Y	? +ve	Refurbishment may alter the appearance of the building. Conversion of the site to a school safeguards the future of the building.	The suitability of the proposals will be considered as part of the planning application.
Pollution to land, water, or air?	Y	-ve	There is a risk of hazardous materials (e.g. fuels or paints) being spilled during construction works.	The construction contractor will be subject to site inspection to ensure that hazardous materials are adequately controlled
Wildlife and habitats?	Y	?	Current site appears to have little or no ecological value	-Seek guidance on ecological enhancements from the Parks Horticulture team, and implement their recommendations.

Consulted with: Steve Ransom, Sustainable City Group.

Summary of impacts and Mitigation - to go into the main Cabinet/ Council Report

The significant impacts of this proposal are....

Short-term increase in environmental impacts through the consumption of fossil fuels and raw materials in refurbishing the site. Longer term, there will be on-going consumption of energy for heat and power, production of waste and staff and pupil travel to school.

It is very likely that by providing additional capacity near the point of demand, travel impacts are reduced compared with sending children to schools further away.

Potential exists for positive effects, for example, renewable energy generation.

It is noted that the use of temporary classrooms is proposed, whilst the site is being refurbished. This will require careful implementation to minimise negative impacts.

The proposals include the following measures to mitigate the impacts...

Mitigation will be tailored as appropriate, but will observe the requirements of the Bristol City Council Sustainability Requirements and Guidance for New Build and Refurbished Schools

- Assuming publication of the relevant standard, the proposal should meet BREEAM For Refurbishment “Very Good”
- Temporary classrooms should be Building Regulations Part L compliant.
- Meet the planning requirement for 20% of energy demand to be met from on-site renewables.
- Use of Sustainable Drainage to ensure no net increase in peak surface-water run-off.
- Resilience to flooding and extremes of temperature.
- Travel plan to be operational within 6 months of the facility opening.

- It is noted that any new planning permissions will need to comply with the following policies from the Core Strategy:
 - BCS 13 - Climate change – mitigation and adaptation
 - BCS 14 - Sustainable energy
 - BCS 15 - Sustainable design and construction
 - BCS 16 - Flood risk and water management

The net effects of the proposals are....

Average buildings-related emissions from Bristol primary schools are around 80 tonnes CO₂ per school per year. In addition there are emissions from travel and procurement of goods and services. In the longer term, there will also be increased emissions from increased secondary-school places.

Emissions can be significantly reduced through specification and design of the new facilities, and sustainable procurement of goods and services.

The overall impact is negative.

Checklist completed by:

Name:	Bob Rutherford
Dept.:	CYPS
Extension:	0117 903 7596
Date:	
Verified by Sustainable City Group	Steve Ransom