

Mr Jupp, Cabinet Member for Education and Skills	Ref No:ES08 (19/20)
January 2020	Key Decision: Yes
Replacement All Weather Pitch at The Weald Community School, Billingshurst	Part I
Report by Director of Property and Assets and Director of Education and Skills	Electoral Division: Billingshurst
<p>Summary</p> <p>The County Council has a statutory duty to provide sufficient primary and secondary school places for all children who need a place. As part of the secondary school curriculum, Physical Education is a core subject and suitable provision is required to ensure a wide range of sport can be offered to ensure children are given the Best Start in Life.</p> <p>The Weald School in Billingshurst accommodates 1700 pupils aged 11-18 and has a mix of indoor PE provision (sports hall, activity hall) and external provision (grass pitches, multi-use games area and All Weather Pitch (AWP)).</p> <p>The existing sand dressed AWP has reached the end of its life and requires replacement. The pitch regularly floods and drainage has failed and is inadequate. The pitch is currently used by both the school and community groups.</p> <p>Section 106 funds in excess of the budget sought have been received. The condition of the associated agreements is such that the funds can only be used on projects at The Weald Community School in Billingshurst.</p>	
<p>West Sussex Plan: Policy Impact and Context</p> <p>This proposal is in accordance with the Best Start In Life Policy within the West Sussex Plan. It will ensure access to education meeting the needs of the community.</p>	
<p>Financial Impact</p> <p>This proposal will reduce the amount of unallocated Section 106 contributions. However, if the funds are not used within a set timeframe they will be returned to the developers. The replacement AWP will reduce ongoing maintenance costs and will be available for community use with increasing revenue for the school.</p>	
<p>Recommendations</p> <p>The Cabinet Member for Education and Skills is asked to:-</p> <ol style="list-style-type: none"> (1) Approve the allocation of £750,000 from Section 106 funds to fund the replacement of the AWP and the completion of a procurement process for the delivery of works at The Weald Community School in Billingshurst as detailed in paragraphs 2.2, 4.2 and 4.3. (2) Delegate authority to award the contract for carrying out the works detailed in the report to the Director of Property and Assets. 	

PROPOSAL

1. Background and Context

- 1.1 The County Council has a statutory duty to provide sufficient primary and secondary school places for all children who need a place. As part of the secondary school curriculum, Physical Education is a core subject and suitable provision is required to ensure a wide range of sport can be offered to ensure children are given the Best Start in Life.
- 1.2 The Weald School in Billingshurst accommodates 1700 pupils aged 11-18 and has a mix of indoor PE provision (sports hall, activity hall) and external provision (grass pitches, multi-use games area and AWP).
- 1.3 The existing sand dressed AWP has reached the end of its life. The pitch was installed in 1997 and is now over 22 years old with an average life expectancy of 15 years. The pitch regularly floods and drainage has failed and is inadequate. As the pitch has deteriorated there has been a significant drop in community use. An independent condition survey has noted that the surface is worn, compacted and starting to deteriorate with the seams starting to show the signs of failing and the condition is consistent with the age of the facility.
- 1.4 The project to replace the AWP at The Weald Community School in Billingshurst will be procured utilising a single stage design and build approach via the County Council's Procurement team with the County Council's Multi-Disciplinary Consultant (MDC) providing Project Management and technical services.

2. Proposal Details

- 2.1 The proposal is to replace the AWP at The Weald Community School in Billingshurst.
- 2.2 Works will include :
 - Remove and dispose of the shock pad and artificial playing surface to the current sports pitch;
 - Dismantle, break out and remove the existing fencing system including all posts and gates;
 - Dismantle, break out and remove existing drainage manholes in accordance with Civil engineer/planning requirements;
 - Carry out repairs to floodlighting as required following assessment and install new distribution board;
 - Pruning back and remove encroaching vegetation;
 - Install new drainage pipes and manholes as advised by Civil Engineer and connect to existing drainage system. Drainage system to be agreed through planning process paying particular attention to impact on surrounding area and in particular Par Brook;
 - Install new pre-fabricated shock pad, artificial turf and playing lines;
 - Specification of new pitch shall be sand dressed astro turf for competitive Hockey use

- New perimeter ball stops mesh fencing and with recesses for goals or hard standing/Goal Storage Areas;
- Kickboards;
- Signage and litter bins; and
- Dividing nets and rails

2.3 The proposed works will ensure that the County Council meets its statutory duty to provide suitable PE facilities for its pupils.

FACTORS TAKEN INTO ACCOUNT

3. Consultation

- 3.1. The project has been designed and agreed in full consultation and agreement with the school.
- 3.2. The project has been submitted for planning permission.
- 3.3. The details of the proposal have been shared with the local Member representing the Billingshurst Division.
- 3.4. The Cabinet Member for Finance and Resources has been consulted on this proposal.

4. Financial (revenue and capital) and Resource Implications

- 4.1. The project is to be funded from Section 106 contributions received from developers which must be spent either on a replacement AWP or on facilities at The Weald School in Billingshurst.
- 4.2. The County Council's Multi-Disciplinary Consultant (MDC) was appointed to undertake the design work necessary for the production of a planning application and tender package. The cost of this initial design stage is £90,000 and this has already been funded from an initial capital allocation of £90,000 from Section 106 contributions for spending at The Weald, approved by the Executive Director Economy, Infrastructure and Environment.
- 4.3. Robust estimates have now been sought from the MDC for completion of the works required for this project. The MDC has advised and concluded that additional gross budget in the sum of £750,000 will be sufficient for the project. This includes Professional fees, construction costs and contingencies. With the £90,000 already approved, this would give a gross budget of £840,000 compared with Sport England benchmarking for a similar facility of £820,000.
- 4.4. The budget requirement to complete the remainder of the project is £750,000 funded from received Section 106 contributions. Overall, there is £48.722m of received Section 106 contributions which can be used on Education projects, including £1.166m which must be spent at The Weald.

Table of costs and funding

	2019/20	2020/21	Total
Capital expenditure			
Initial design work	£90,000		£90,000
Construction works, including fees and contingencies	£98,600	£651,400	£750,000
Total expenditure	£188,600	£651,400	£840,000
Capital funding			
S106 contributions for use only at The Weald*	£90,000	£750,000	£840,000
Total funding	£188,600	£651,400	£840,000

*The Council currently has £842,930 s106 contribution receipts that it must spend at The Weald. It has also secured £323,839 further contributions it will receive in 2019/20 and 2020/21 for spending on the AWP. Following completion of the construction works, the balance of s106 contributions the Council must spend at The Weald is £326,000.

5. Legal Implications

- 5.1. The Council has a statutory obligation to ensure adequate education provision. By replacing the AWP the Council is discharging this duty.
- 5.2. The Council is a Contracting Authority as defined in the Public Contract Regulations 2015 ("PCR") and as such is governed by those regulations. The value of the proposed spend will be £750,000.
- 5.3. The value of the proposed contract is therefore below the relevant EU Thresholds as referred to in the PCR of £4,551,413 for Works Contracts.
- 5.4. As such the Council will competitively tender these services in accordance with the procedures set out in PCR.
- 5.5. The Council will enter into a works contract using terms and conditions, approved by Commercial Legal Services and compliant with section 10 of the Council's Standing Orders on Procurement and Contracts.
- 5.6. The Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") is highly unlikely to apply to these works.
- 5.7. There is no risk that this contract will be considered illegal State Aid because the contract will be subject to a competitive tender thereby ensuring that the Council is not selectively granting an advantage to one particular economic operator over another.

6. Risk Implications and Mitigations

Risk	Mitigating Action (in place or planned)
Planning permission will not be secured	Pre-application meetings held with Planners and ongoing response to Consultee responses as required
Insufficient allowance in capital programme to award the contract tender to the contractor.	The construction works will be subjected to value management ie reduced or redesigned and/or value engineering exercise. Regular cost reporting and review and Full Business Case seeking confirmation of funds when design is developed sufficiently to obtain robust cost estimate.
Contractor's ability to deliver this project on time and to budget.	The WSCC Contracts Officer regularly reviews the programme, quality and cost alongside the MDC.

7. Other Options Considered

- 7.1 One alternative is not to undertake the project. This would mean that the school would be unable to deliver the secondary school PE curriculum. Other options were considered including refurbishment of the carpet only but this would not resolve the ongoing current drainage issues.

8. Equality and Human Rights Assessment

- 8.1 Everyone has the right to respect for private and family life, home and correspondence under Article 8 of the Human Rights Act. The impact of any proposed changes on the right to family life such as a need to travel further to an appropriate school has been taken into consideration. Article 1 of the First Protocol is the right to education. No person shall be denied the right to education. The proposals therefore support this right as the project will ensure suitable facilities will be available in the local area for all children of school age.

9. Social Value and Sustainability Assessment

Not applicable.

10. Crime and Disorder Reduction Assessment

None

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Background papers

None