

## **Report to Cllr N Jupp, Cabinet Member for Learning and Skills**

**August 2021**

### **Provision of an All Weather Pitch at The Forest School, Horsham**

**Report by Mr A Edwards, Director of Property and Assets and Mr P Wagstaff, Director of Education and Skills**

**Electoral division: Horsham East**

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#### **Summary**

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.

Forest School in Horsham accommodates over 1000 pupils aged 11-16 and has a mix of indoor PE provision (sports hall, activity hall) and external provision (grass pitches and multi-use games area).

In July 2020 the Cabinet Member for Education and Skills approved the capital budget required to facilitate an expansion of the neighbouring Queen Elizabeth II Silver Jubilee School (QEII School) in Horsham with the additional accommodation to be located partly on playing fields used by Forest School (Decision [ES02\(20/21\)](#) refers). To mitigate the impact of this on the sports provision for pupils attending Forest, an initial capital budget was identified to undertake design work for the provision of an all-weather pitch at Forest School.

Section 106 funds in excess of the budget sought to provide an all-weather pitch have been received. The condition of the associated agreements is such that the funds can only be used on projects at Horsham Secondary Schools.

#### **Recommendation**

The Cabinet Member for Learning and Skills is asked to:-

- (1) Approve the allocation of £1.080m from received Section 106 funds to fund the All Weather Pitch as detailed in paragraph 2.1 and commencement of a procurement process for the delivery of works at Forest School in Horsham as detailed in this report, and
  - (2) Delegate authority to award the contract for carrying out the works detailed in the report to the Director of Property and Assets.
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#### **Proposal**

## **1 Background and context**

- 1.1 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 Forest School in Horsham accommodates over 1000 pupils aged 11 to 16 and has a mix of indoor PE provision (sports hall, activity hall) and external provision (grass pitches and multi-use games area).
- 1.3 In July 2020 the Cabinet Member for Education and Skills approved the capital budget required to facilitate an expansion of QEII School in Horsham with the additional accommodation to be located partly on playing fields used by Forest School.
- 1.4 To mitigate the impact of the QEII School expansion on Forest School, an initial capital budget was identified to undertake design work for the provision of an all-weather pitch (AWP) at Forest School.
- 1.5 Initial design has now been developed by the County Council's multi-disciplinary consultant, Faithful+Gould Ltd. in full consultation with the school and the intention is to now move forward with a planning application and procurement exercise to ensure completion for September 2022.
- 1.6 The procurement of the main contractor to carry out the works will be managed by the WSCC Strategic Procurement team by following the agreed procurement strategy for Capital works over £500k, to advertise the opportunity on In-Tend and Contracts Finder. There is no requirement to publish to Find a Tender as the contract value is below the PCR threshold of £4,733,252.
- 1.7 The ongoing professional services will be undertaken by the Council's MDC (Multi-Disciplinary Consultants). The MDC were procured following a compliant and competitive tender procedure in 2018.

## **2 Proposal details**

- 2.1 The proposal is to provide an AWP at Forest School in Horsham. The AWP would be 106 x 70m with a pitch area of 100 x 64m. The surface is proposed as 3G artificial turf with 60mm pile and shockpads suitable for rugby and football.
- 2.2 The proposed works will ensure that the County Council meets its statutory duty to provide suitable PE facilities for its pupils.

## **3 Other options considered (and reasons for not proposing)**

- 3.1 One alternative is not to undertake the project. This would mean that the school would be unable to deliver the secondary school PE curriculum and would be unable to mitigate the impact of the QEII expansion on Forest School.

## **4 Consultation, engagement and advice**

- 4.1 The Education Capital Programme Board and Capital and Assets Board (the Council's internal governance process for capital projects) has considered and supports the proposal and comments from the Board have been incorporated

into the final proposal and recommendations. No material changes have been made to the proposal or the recommendations since consideration by the Board.

- 4.2 The project has been designed and agreed in full consultation and agreement with the school.
- 4.3 The details of the proposal have been shared with the local Member representing the Horsham East Division.

## 5 Finance

- 5.1 The project is to be funded from Section 106 contributions received from developers which must be spent on facilities at Horsham Secondary Schools.
- 5.2 The County Council’s Multi-Disciplinary Consultant (MDC) was appointed to undertake the design work necessary for the submission of a planning application and production of a tender package. The cost of this initial design stage is £0.110m and this has already been funded from an initial capital allocation of £0.110m from Section 106 contributions, approved by the Cabinet Member for Education and Skills, [decision ES10 \(20/21\)](#).
- 5.3 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 £1.080m will be sufficient for the project. This includes Professional fees, construction costs and contingencies. With the £0.110m previous approved for design fees, this would give a gross budget of £1.190m which marginally exceeds Sport England benchmarking for a similar facility however after considering the contingency, inflation, fee variations and location factor it falls within the higher end of the expected Benchmark range.
- 5.4 The budget requirement to complete the remainder of the project is £1.080m funded from received Section 106 contributions. Overall, there is £52.418m of received Section 106 contributions which can be used on Education projects.
- 5.5 The table below shows the total Section 106 balance available for Education projects on SAP after adjusting for amounts not applied in the accounts but that have been committed on approved schemes with the total amount to be drawn down for this project and other Business Cases pending approval.

Section 106 held at WSCC as at June 2021	£52.418m
Tanbridge School All Weather Pitch	-£0.457m
Forest School All Weather Pitch	-£1.080m
Section 106 remaining	£50.881m

## 6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)

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 of the 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 and will ensure the school are kept informed in relation to project delivery. There are currently challenges in the construction industry in relation to cost increases for materials and availability of supply chain. These issues will be closely monitored.
Planning	The project is subject to approval of planning permission and pre-application consultation will be undertaken with Planners to ensure issues are highlighted and mitigated.

## **7 Policy alignment and compliance**

7.1 This proposal aligns with [Our Council Plan](#), helping people and communities to fulfil their potential and keeping people safe from vulnerable situations.

### **7.2 Legal Implications**

7.2.1 The Council has a statutory obligation to ensure adequate education provision. By providing the AWP the Council is discharging this duty.

7.2.2 The Council is a Contracting Authority as defined in the Public Contract Regulations 2015 ("PCR") and as such is governed by those regulations.

7.2.3 The value of the proposed contract is below the relevant PCR Thresholds as referred to in the PCR of £4,733,252 for Works Contracts.

7.2.4 As such the Council will competitively tender these services in accordance with the procedures set out in PCR.

7.2.5 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.

7.2.6 The Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") does not apply to these works.

7.2.7 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.

### **7.3 Equality Duty and Human Rights Assessment**

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 including those with disabilities.

#### 7.4 Climate Change

The proposal is to replace the existing pitch. No reduction in carbon is anticipated from the project.

#### 7.5 Crime and Disorder – None

#### 7.6 Public Health – None

#### 7.7 Social Value

The contractor appointment will reflect the County Council's duty under the Public Services (Social Value) Act 2012 and will include evaluated criteria for Social Value within the tender.

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#### **Background papers**

None