

<b>Subject:</b>	<b>Portslade Aldridge Community Academy: Progress to date and submission of Final Business Case and Design and Build Contract</b>		
<b>Date of Meeting:</b>	<b>8 December 2011</b>		
<b>Report of:</b>	<b>Strategic Director, People</b>		
<b>Lead Cabinet Member:</b>	<b>Cabinet Member for Children &amp; Young People</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Gil Sweetenham</b>	<b>Tel: 29- 3474</b>
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<b>Key Decision:</b>	<b>Yes</b>	<b>Forward Plan No: CAB26164</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 At the Cabinet Meeting on 17<sup>th</sup> February 2011, Members received a report of progress up to that date. The report also authorised to the Director of Children's Services to submit a feasibility study to the Department for Education (DfE) to enable the project to move into the Implementation Stage
- 1.2 Work has progressed well during the implementation stage and the newly formed Portslade Aldridge Community Academy (PACA) opened on 1<sup>st</sup> September 2011.
- 1.3 Work has also progressed on the design of the proposed extension and refurbishment of the existing school buildings at the Chalky Road site. Prior to the Design and Build contract (D&BC) for that site being signed, the Council must submit a Final Business Case (FBC) for approval by Partnerships for Schools (Pfs). Once approved the Council will then enter into the D&BC with the preferred bidder together with a Development Agreement with the Academy Trust (which includes the form of the 125 year lease to be entered into) (DA); and a Commercial Transfer Agreement also with the Academy Trust (CTA).

**2. RECOMMENDATIONS:**

- 2.1 That Cabinet note the current progress status of the Portslade Aldridge Community Academy project
- 2.2 That Cabinet agree to the submission of the Final Business Case to Partnerships for Schools
- 2.3 That Cabinet authorises that progress continue towards agreeing the following documents in a form to be agreed by the Head of Law in consultation with Strategic Director, People: D&BC; DA and the CTA
- 2.4 That Cabinet authorises that the Head of Law agree the form of the three Short Term Leases (under which the Academy is to continue to occupy the three sites)

(STLs) and that appropriate documents for provision be made for an electricity substation (or similar appropriate facility) on the Chalky Road site (by way of either a grant of a long lease, easement or wayleave; or a transfer of the substation site) for electrical plant to be installed and safely housed, with appropriate rights for cabling, maintenance etc (the Utility).

- 2.5 That Cabinet authorises that the Council take appropriate steps should PACA so require, to replace the current occupational arrangements and enter into the STLs and to enter into the appropriate documents for the provision of the Utility and furthermore that upon confirmation of the approval of the FBC by the PfS, the Council then enter into: the Design and Build Contract with Apollo Property Services; the DA, the CTA and subsequently the 125 year lease (as provided for under the DA).

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 Further to the Cabinet report of 17<sup>th</sup> February 2011 work has continued on creating the Portslade Aldridge Community Academy. The new Academy opened in the existing buildings on 1<sup>st</sup> September 2011.
- 3.2 The Department for Education (DfE) granted £12.7million to this project to allow for improvements and extension of the main Chalky Road site of the school.
- 3.3 Work has also progressed with the preferred bidder on design development for the proposed new extension and the internal remodelling and refurbishment of the existing school buildings on the Chalky Road site.
- 3.4 The Main Works building programme is scheduled to start in January / February 2012. The complete construction is scheduled to be open by September 2013.
- 3.5 The Detailed Planning Application was submitted as programmed at the end of September 2011 and is currently expected to be considered by the Planning Committee on 14<sup>th</sup> December 2011.
- 3.6 Legal work associate with preparing the short and long term (125 years) leases, the Commercial Transfer Agreement (CTA), the Development Agreement (DA) and the D&BC has also been progressing. It is now anticipated that it will be possible to enter into the D&BC immediately before Christmas to allow the contractor to start on site as intended in January or February 2012. This is essential to ensure that work on site is complete in time for the start of the 2013 academic year.
- 3.7 The form of the CTA, the DA (which includes the form of the 125 year lease under which the Academy will occupy) and the D&BC contract are all as set down by Partnerships for Schools (PfS). It is not possible to make changes to these documents with out the prior approval of PfS and it is not intended to seek any significant derogations for this project.

- 3.8 The main point of note within the D&BC contract is that the council is required to take the risk of any Judicial Proceedings arising from the planning application. This means that if a Judicial Review was requested during the 13 week period immediately after the planning decision which resulted in delay to the contract the Council would be responsible for the costs arising as a result of this delay.
- 3.9 PACA are currently occupying the three sites which the Community College occupied being: the main site at Chalky Road; the 6th Form site at Mile Oak; and the playing fields lying to the East of Downsway, Southwick. Since the 1<sup>st</sup> September 2011, PACA have occupied the sites under short term tenancies at will. These short term interim occupational arrangements are to be replaced by short term leases (STLs) of the three sites which STLs will terminate upon either the completion of the works at the Chalky Road site or after three years (whichever is the earlier). Following completion of the works, the STLs will drop away and a 125 year lease will then be entered into for just the two sites, being: Chalky Road; and the Downsway playing field, releasing the 6<sup>th</sup> Form site back to the Council.
- 3.10 It is expected that the Council will be asked to approve that provision be made for a substation or similar facility on the Chalky Road site, by way of either a grant of a long lease, easement or wayleave; or a transfer of the electricity substation site for utility plant to be installed and safely housed, with appropriate rights for cabling, maintenance etc.

#### **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

- 4.1 In June / July 2010 a series of public meetings were held to discuss the proposal of Portslade Community College becoming an Academy in September 2011.
- 4.2 A further series of public meetings were held in January 2011 regarding the same proposal.
- 4.3 Consultation with parents, staff, and pupils of the Academy / college have been undertaken as the design has developed.
- 4.4 Consultation will be undertaken as part of the planning process with neighbours.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 The capital cost of the extension and improvements of the school on Chalky Road will be funded by the £12.7m grant from the Department for Education (DfE). The majority of the build costs will be incurred during 2012/13 and 2013/14 whilst any build costs associated with 2011/12 will also be met from the grant funding. A sum of £0.15m has been released from the grant allocation to the council to provide project support and project delivery including surveys, legal support, design, quantity surveyors and CDM works .

*Finance Officer Consulted: Rob Allen*

*Date: 17/11/11*

### Legal Implications:

- 5.2 Heads of Terms outlining the design and build arrangements have been agreed by the Council's and the Sponsor's lawyers and the final form of the D&BC is being finalised to enable the Academy development to take place. The building contract with the preferred builder will accord with the national requirements for Academy development and will be let once the FBC is approved by the PfS

*Lawyer Consulted:*

*Marten Matthews*

*Date: 14/11/11*

### Equalities Implications:

- 5.3 Portslade is a large Neighbourhood Renewal area with a resident population of 19,500 and 7,900 households. It has a high percentage (44%) of people under the age of 16 and a high percentage of people (30.4%) with no qualifications. The school is a significant and well used community asset and its continued development is integral to the neighbourhood action and regeneration plan.
- 5.4 A full time Community Development Worker supports the growth of the Portslade Community Forum which brings together all the key stakeholders involved in delivering the neighbourhood action plan. Key areas of focus are reduction in young people who are not in education employment or training, strengthening communities and involving people, promoting enterprise and learning, promoting resource efficiency and enhancing the environment.
- 5.5 The academy is a critical member of the Community Forum. The Academy's vision is very much aligned with the neighbourhood action plan. The integration of the existing community facilities with a community Academy will provide an exciting opportunity for the Portslade Aldridge Community Academy to deliver a Strategy for Change that would truly encompass the needs of the wider community and significantly contributes to the Council's vision of "A City of Learning".

### Sustainability Implications:

- 5.6 The construction of the proposed Academy will adhere to DfE guidelines (Building Bulletin 98). The proposed new building will take full advantage of all appropriate environmentally sustainable energy and recycling systems. The final design must meet the Building Research Establishment Environmental Assessment Model (BREEAM) standard at either Good or Excellent. Thus the proposed Academy will be a flagship for environmentally sustainable schools for Brighton & Hove for the future.

### Crime & Disorder Implications:

- 5.7 Throughout the development of the proposed Academy, consultation with both community groups and the Community Safety team and police liaison officers will take place. Sussex Police Service endorse the view that the engagement of the community in the use of the facilities at the Academy and with the availability of those facilities outside normal school hours, it is envisaged that crime and disorder in the local area will be reduced, as will the numbers of pupils not in education, employment or training (NEET)

### Risk and Opportunity Management Implications:

- 5.8 A preliminary risk register has been compiled and a full risk register must be undertaken and submitted to Partnerships for Schools as part of their approval process for the Final Business Case.

### Public Health Implications:

- 5.9 There are no public health implications arising from this report.

### Corporate / Citywide Implications:

- 5.10 The development of Portslade Aldridge Community Academy is in accord with the DfE's policy of developing a range of schools in each Local Authority, thereby increasing the variety of types of school available to parents. As part of the development of the Academy, careful consideration will be given to further developing the community use of the facilities and a community engagement plan.

## **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 There are no alternative options.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 To brief Cabinet of the progress made to date of this project.
- 7.2 To comply with Council Standing Orders agreement from Cabinet is needed to enter into the Design and Build Contract.
- 7.3 The Final Business Case for the development requires Cabinet authorisation before submission to Partnerships for Schools.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

None

### **Documents in Members' Rooms**

1. Draft Final Business Case
2. Draft Development Agreement
3. Draft Design and Build Contract

### **Background Documents**

None

