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Date: 18th April 2018

Dear Sir/Madam,

A meeting of the **Cabinet** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 25th April, 2018** at **2.00 pm** to consider the matters contained in the following agenda. Councillors and the public wishing to speak on any item can do so by making a request to the Chair. You are also welcome to use Welsh at the meeting, both these requests require a minimum notice period of 3 working days and a simultaneous translation will be provided if requested.

All Committee meetings are open to the Press and Public, observers and participants are asked to conduct themselves with respect and consideration for others. Please note that failure to do so will result in you being asked to leave the meeting and you may be escorted from the premises.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'CHARRY'.

Christina HARRY
INTERIM CHIEF EXECUTIVE

AGENDA

Pages

1 To receive apologies for absence.

2 Declarations of Interest.

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on the agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

A greener place Man gwyrddach



To approve and sign the following minutes: -

3 Cabinet held on the 11th April 2018. 1 - 6

To receive and consider the following reports on which executive decisions are required: -

4 Review of the Rechargeable Repairs and Appeals Panel. 7 - 30

5 Bedwellty School Playing Fields. 31 - 36

6 Implementation of the Sustainable Drainage Systems Approval Body (SAB). 37 - 44

7 21st Century Schools and Education Band B Proposals. 45 - 60

Circulation:

Councillors C.J. Cuss, N. George, C.J. Gordon, Mrs B. A. Jones, P.A. Marsden, S. Morgan, L. Phipps, D.V. Poole and Mrs E. Stenner,

And Appropriate Officers.

Agenda Item 3



CABINET

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 11TH APRIL 2018 AT 2.00 P.M.

PRESENT

Councillor D. Poole – Chair

Councillors:

C. Cuss (Social Care and Wellbeing), N. George (Neighbourhood Services), C.J. Gordon (Corporate Services), Mrs B.A. Jones (Finance, Performance and Governance), P. Marsden (Education and Achievement), S. Morgan (Economy, Infrastructure and Sustainability), L. Phipps (Homes and Places) and E. Stenner (Environment and Public Protection).

Together with:

C. Harrhy (Interim Chief Executive), D. Street (Corporate Director - Social Services), M. S. Williams (Interim Corporate Director - Communities), J. Williams (Assistant Director – Adult Services), R. Hartshorn (Head of Policy and Public Protection), R. Roberts (Performance Manager) and A. Dredge (Committee Services Officer).

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mrs N. Scammell (Acting Director Corporate Services and Section 151 Officer) and D. Street (Corporate Director - Social Services).

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

3. CABINET MINUTES - 28TH MARCH 2018

The minutes of the Cabinet meeting held on 28th March 2018 were approved.

4. MATTERS ARISING

Councillor C. Cuss (Cabinet Member for Social Care and Wellbeing) referred to minute no. 7 – Education Achievement Service (EAS) Business Plan 2018 -2021. He felt that the minute should reflect in greater detail the challenges facing the Education Achievement Service and the Business Plan.

MATTERS ON WHICH EXECUTIVE DECISIONS WERE REQUIRED

5. CORPORATE PLAN INCLUDING WELL-BEING OBJECTIVES 2018 - 2023.

The report sought the views of Cabinet in relation to the Local Authority's Corporate Plan (the Plan) with Well-being Objectives for 2018 - 2023 prior to its presentation to Council on 17th April 2018.

Cabinet were advised that the Local Government Measure 2009 requires all local authorities in Wales to set and publish a set of priorities called Improvement Objectives as soon as is 'practicably possible' in the new financial year. However, the introduction of the Well-being of Future Generations (Wales) Act 2015 (WBFGA) also places a legal requirement for 'public bodies' to set and publish Well-being Objectives. As there is a cross over between the two pieces of legislation, Authorities are treating the two requirements as one outcome, to publish one set of Well-being Objectives, the Wales Audit Office and Welsh Local Government Association (WLGA) have endorsed this approach. The Plan introduces the Local Authority's new set of Well-being Objectives to run for five years; 2018-2023. The WBFGA statutory guidance states that public bodies may decide that they want to change one or more of their Well-Being Objectives. Although there is no deadline set for this, it is the Council's intention to review them annually, in line with reporting progress on performance of the Objectives to the public.

Members discussed the Objectives set out in paragraph 4.4 in the report and in particular Objective Number 5 – Creating a County Borough that supports a Healthy Lifestyle and it was requested that an amendment is made within the recommendation to include 'in accordance with the Sustainable Development Principle within the Wellbeing of Future Generations (Wales) Act 2015'.

Cabinet sought a commitment from Officers that the Plan would be embedded within the organisation and that this would be filtered down from senior management to front line staff. Members were reassured that an important piece of the Corporate Plan 'jigsaw' is the involvement of staff, and a series of staff forums which begin next week and will run throughout April and into May will be a key element of ensuring the Corporate Plan Priorities are delivered on the ground.

The Chair placed on record his thanks to the Officers for their contribution and commitment in developing an excellent comprehensive report. This was echoed by Cabinet and the Interim Chief Executive.

Following consideration and discussion, it was moved and seconded that subject to the foregoing, the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officer's report and subject to an amendment to recommendation 10.1 and the fifth Objective referred to in paragraph 4.4. Creating a County Borough that supports a Healthy Lifestyle to include in accordance with the Sustainable Development Principle within the Wellbeing of Future Generations (Wales) Act 2015: -

- (i) the draft Corporate Plan with Well-being Objectives and an amendment to the fifth Objective namely, Creating a County Borough that supports a Healthy Lifestyle to include in accordance with the Sustainable Development Principle within the Wellbeing of Future Generations (Wales) Act 2015, be endorsed and recommended to Council for approval.

6. DRAFT GWENT VIOLENCE AGAINST WOMEN DOMESTIC ABUSE AND SEXUAL VIOLENCE STRATEGY.

The report provided Cabinet with the draft Gwent Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) Strategy. The Strategy is required by the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 and has been prepared by the Gwent VAWDASV Partnership Board of which the Council is a Member. It calls for the Public Sector in Wales to work together in a consistent and cohesive way to improve the outcomes for individuals and their families subjected to VAWDASV.

The Partnership Board has been established to meet the requirements of the Act and consists of the five Local Authorities in Gwent, Gwent Police, the Office of the Police and Crime Commissioner, Aneurin Bevan University Health Board, Welsh Ambulance Service, Probation Services, Registered Social Landlords, Supporting People Regional Collaborative Committee, South Wales Fire and Rescue Service, Gwent Adult and Children Safeguarding Boards, VAWDASV Specialist Sector Partners and Voluntary Sector Organisations.

Cabinet were advised that the report and strategy were presented to the Health, Social Care and Wellbeing Scrutiny Committee on the 20th March 2018. Members at that meeting discussed the need for the strategy to be promoted across Third Sector Voluntary Organisations as they feel this message needs to be extended on a wider scale.

It was suggested that Cabinet consider extending the end date of the Strategy from 2021 to 2023, to align with other Council Strategies and this was supported by Cabinet. Members discussed the terminology used throughout the Strategy and felt that this excludes some groups of people including Males, Disabled Groups and Same Sex Couples and it was requested that an amendment is made to the recommendations to incorporate this. It was explained that the terminology used was introduced by the United Nations and issues around the language used will be discussed through training sessions and work will be undertaken across Gwent that will target all groups. The purpose of the training is to ensure that Professionals are trained to provide an effective response to anyone affected by any form of gender-based violence, domestic abuse and sexual violence. Through on-going monitoring, evaluating and review the VAWDASV Partnership Board will ensure issues around equality are consistently raised and delivery of the strategy adapted.

Clarification was sought in relation to the current position of staff training sessions. Cabinet were advised that there are 5 levels of training that will be rolled out across the Authority that include on-line and face to face sessions and at the end of the third quarter, approximately 800 staff had undertaken the training. Officers need to demonstrate that staff have undertaken the training in complying with the plan. Training will also be undertaken for school based staff; school children receive healthy relationship sessions.

Following consideration and discussion and subject to the foregoing, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officer's report and subject to an amendment to recommendation 10.1, the draft Gwent Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) Strategy to ensure equal coverage to all groups including Males, Disabled Groups and Same Sex Couples, and that the Strategy be extended to 2023, to align with other Council Strategies: -

- (i) the draft Gwent Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) Strategy ensures equal coverage to all groups including Males, Disabled Groups and Same Sex Couples, be supported;

- (ii) the draft Gwent Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) Strategy be extended to 2023, to align with other Council Strategies;
- (iii) the Strategy be promoted widely across Third Sector Voluntary Organisations.

7. FUTURE REGENERATION PROJECTS – USE OF DIRECTORATE RESERVES FOR PROJECT DEVELOPMENT FUNDING.

The report sought Cabinet's agreement to earmark a sum of money from the Communities Directorate Reserve to facilitate Regeneration Project Delivery, and to approve a further report to be presented to Cabinet of a proposed governance structure which will facilitate the project delivery.

Cabinet were advised that the advent of the Cardiff Capital Region (CCR) and pending agreement of a joint business plan by the 10 CCR authorities presents significant opportunities for Caerphilly County Borough Council to lever in funding for regeneration projects. In addition to the CCR opportunities there are a number of other Welsh Government regeneration initiatives such as the Valleys Task Force and Targeted Regeneration Investment Fund which may lead to significant capital funds being made available for local projects in the future. In order to take advantage of funding that may become available it is necessary to develop a number of "shelf ready" projects which have been effectively planned and developed to a stage where they are ready to progress to an implementation stage.

It was noted that at present the Authority does not have projects in a "Shelf Ready" position where delivery could be progressed. In this regard the key issues that need to be addressed include, the need for clear strategic direction on projects and identification of key projects to be progressed. In order for the Authority to develop "Shelf Ready" projects budgetary provision is required to provide Officers with the ability to effectively plan projects and develop, design and cost schemes so that they are ready for funding/Planning submission and procurement where relevant. This could include site investigations, surveys, design, economic impact assessments, estimating etc.

Cabinet discussed the figure of £300,000 requested and queried if this amount would be adequate to develop the projects. It was explained that this is an initial amount that is currently manageable within the Communities Directorate Reserve and that a further report will be brought to Cabinet in due course.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officer's report: -

- (i) the earmarking of an Initial Project Development Fund of £300,000 from the Communities Directorate reserve, be agreed;
- (ii) a further report will be presented to Cabinet seeking approval of the governance arrangements to facilitate the project delivery, be noted.

The meeting closed at 2.30 pm.

Approved and signed as a correct record subject to any corrections made at the meeting held on 25th April 2018.

CHAIR

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CABINET – 25TH APRIL 2018

SUBJECT: REVIEW OF THE RECHARGEABLE REPAIRS AND APPEALS PANEL

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

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- 1.1 The attached report was considered by the Policy and Resources Scrutiny Committee on 10th April 2018, having previously been considered by the Caerphilly Homes Task Group on 29th March 2018. The report sought the views of the Scrutiny Committee on the review of the operation of the Rechargeable Repairs and Appeals Panel, and the need to consider revising the way in which second stage reviews are considered, prior to these proposals being presented to Cabinet.
 - 1.2 Members were advised that the Rechargeable Repairs Policy (approved by Cabinet on 18th March 2015) allows tenants to request an independent review of their recharge if they have good reason to disagree with a previous decision made by officers/managers. The review process comprises of three stages; an informal review by officers, a first stage formal review by a manager, and a second stage formal review by the Rechargeable Repairs and Appeals Panel, who make a recommendation to the Chief Housing Officer (who has the final decision) on whether the recharge should be upheld. The second stage review replaced the second stage of the Corporate Complaints Procedure with regards to recharges only. The Panel was suggested by the Repairs and Improvements Group in August 2014 and was considered an opportunity to involve tenants and Members in reviews.
 - 1.3 The report provided information on the second stage reviews considered by the Panel to date and the outcomes of these reviews. Due to the extensive additional resources required in facilitating the panel, cost implications, consequential delays in decision making and the limited number of cases being brought forward, the report proposed that the use of a panel for second stage reviews be replaced with a procedure to mirror the second stage of the Corporate Complaints Procedure, with the final decision being made by the Chief Housing Officer or Public Sector Housing Manager. It also proposed alternative arrangements to ensure that the quality and consistency of decision making in relation to reviews is maintained (including regular meetings by an Officer panel) and to keep tenants informed about decision making in respect of rechargeable repairs.
 - 1.4 It was noted that at its meeting on 29th March 2018, the Caerphilly Homes Task Group expressed concerns regarding the costs associated with the Panel meetings given the low cost of the recharges being reviewed. They also suggested that the Panel lacks sufficient tenant representation and that its discontinuation could lessen their role further in terms of tenant voice across the review process. Members further suggested that consideration could be given to call recording to minimise future cases of recharge reviews. The Group subsequently supported the report recommendations by a majority vote, with it noted that there were 5 in favour of the proposals and 4 abstentions.
 - 1.5 During the course of the ensuing discussion, a Member suggested that an independent arbitrator be included in the replacement second stage of the process, and Officers outlined the practicalities to consider in this respect, given the low level/value of the recharges being reviewed. It was reiterated that the proposed replacement second stage process would mirror the Corporate Complaints process, and that it was also intended for Officers to provide an

annual report to the Repairs and Improvement Group detailing the outcome of any recharge reviews. Members were reminded of the considerable costs in convening each meeting, and that given in the last 18 months there had been only 9 review cases, there was a need to consider on balance whether this was a good use of resources and Member/Officer time.

- 1.6 In response to Member's queries, Officers outlined the invoicing costs associated with recharges and also provided further detail on the list of exceptional circumstances appended to the report which gives discretion to waive recharges in certain cases. Discussion took place regarding recharges arising from wear and tear and the importance of using good quality fittings, which had been discussed at the Task Group meeting. Officers gave assurances that all materials used in Council properties are of a good quality specification and have an appropriate level of guarantee/warranty. Reference was made to issues around tenant communication in respect of recharges and Officers outlined procedures that have been put in place to improve these areas (such as proof of visits in cases of failed access and changes to the information included in tenant letters).
- 1.7 Discussion took place regarding insurance policies and Officers outlined the levels of cover that are offered through the Council, which will cover certain repairs and accidental damage. It was confirmed that all tenants are due to receive a letter detailing the various premiums and cover available and it was agreed for this information to also be sent to the Policy and Resources Scrutiny Committee. In response to a Member's query, it was agreed that detail on the number and type of recharge reviews could be incorporated into the annual report that is prepared in respect of complaints and representations across Caerphilly Homes.
- 1.8 Following consideration of the report, and in taking into account the views of the Caerphilly Homes Task Group, the Policy and Resources Scrutiny Committee (by the majority present and in noting there was 1 against) recommended to Cabinet that for the reasons contained therein:-
- (i) the Rechargeable Repairs and Appeals Panel be discontinued;
 - (ii) all second stage reviews of rechargeable repairs be investigated using a process that mirrors the second stage of the Corporate Complaints Procedure;
 - (iii) monitoring of consistency of implementation of the Rechargeable Repairs Procedure in relation to requests for review and the application of discretion be undertaken by a Housing Manager Panel on a quarterly basis;
 - (iv) an annual report be provided to the Repairs and Improvement Group on the number, nature and outcome of second stage reviews of rechargeable repairs considered under the revised procedure, together with decisions taken in respect of informal and stage 1 formal reviews.
- 1.9 Cabinet is asked to consider the recommendations.

Author: R. Barrett, Committee Services Officer, Ext. 4245

Appendices:

Appendix Report to Policy and Resources Scrutiny Committee on 10th April 2018 - Agenda Item 9



**POLICY AND RESOURCES SCRUTINY COMMITTEE –
10TH APRIL 2018**

SUBJECT: REVIEW OF THE RECHARGEABLE REPAIRS AND APPEALS PANEL

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151
OFFICER**

-
- 1.1 The attached report was presented to the Caerphilly Homes Task Group on 29th March 2018.
 - 1.2. The views expressed at the meeting and the recommendations of the Caerphilly Homes Task Group will be reported verbally to the Policy and Resources Scrutiny Committee
 - 1.3 Members are asked to consider the contents of the report and make a recommendation to Cabinet.

Author: R. Barrett, Committee Services Officer, Ext. 4245

Appendices:

Appendix 1 Report to Caerphilly Homes Task Group on 29th March 2018 - Agenda Item 5



CAERPHILLY HOMES TASK GROUP - 29TH MARCH 2018

SUBJECT: REVIEW OF THE RECHARGEABLE REPAIRS AND APPEALS PANEL

REPORT BY: DIRECTOR – SOCIAL SERVICES AND HOUSING

1. PURPOSE OF REPORT

- 1.1 To obtain the views of the Caerphilly Homes Task Group on the review of the operation of the Rechargeable Repairs and Appeals Panel and the need to consider revising the way in which second stage reviews are considered, prior to its presentation to the Policy and Resources Scrutiny Committee and Cabinet.

2. SUMMARY

- 2.1 The Rechargeable Repairs Policy was approved at Cabinet on the 18th March 2015. The Policy included a revised review process that allows tenants to request an independent review of their recharge if they have good reason to disagree with a previous decision made by officers/managers.
- 2.2 There are currently three stages to the process:
- An informal review by officers
 - A first stage formal review by a manager
 - A second stage formal review, undertaken by the Rechargeable Repairs and Appeals Panel. The Panel makes a recommendation to the Chief Housing Officer on whether the recharge should be upheld. The Chief Housing Officer's decision is final.
- 2.3 This second stage review by a panel replaced the second stage of the Corporate Complaints Procedure with regards to recharges only. The Panel was suggested by the Repairs and Improvements Group in August 2014 when consulted on the introduction of the Rechargeable Repairs Policy and was considered an opportunity to involve tenants and Members in reviews.
- 2.4 This report provides information on the second stage reviews considered by the Panel to date, including outcomes and recommends that, due to the extensive additional resources required in facilitating the panel, cost implications, consequential delays in decision making and the limited number of cases being brought forward, the use of a panel for second stage reviews be replaced with a procedure that would mirror the second stage of the Corporate Complaints Procedure.
- 2.5 It is further proposed that alternative arrangements be put in place to ensure that the quality and consistency of decision making in relation to reviews is maintained, and to keep tenants informed about decision making in respect of rechargeable repairs.

3. LINKS TO STRATEGY

- 3.1 The Single Integrated Plan 2013-2017 has a priority ‘to improve standards of housing and communities, giving appropriate access to services across the County Borough’.
- 3.2 Caerphilly County Borough Council 2013/17 Corporate Priorities include: CP7 - Invest in our Council homes and their communities to transform lives.
- 3.3 Caerphilly County Borough Council’s Well-being Objectives in 2017/18 include: WBO5 – Investment in Council homes to transform lives and communities.
- 3.4 The Wellbeing of Future Generations Act 2015 sets out the following wellbeing goals which link with the aims of this report:-
- A resilient Wales
 - A prosperous Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities
 - A globally responsible Wales

4. THE REPORT

- 4.1 The Council as a Landlord has an obligation to keep its housing stock in a good state of repair. When repairs are reported they are completed at no cost to the tenant, providing the repair is a Landlord responsibility and is required as a result of fair wear and tear. This usually means where the fixture or fitting has worn out or has come to the end of its natural life. Tenants have a responsibility to act responsibly and maintain their homes to a satisfactory standard and when a repair has been identified as not being caused through fair wear and tear, the Council may recharge the cost of the repair to the tenant or former tenant in the case of a void property.
- 4.2 The majority of tenants and former tenants are unlikely to be recharged for undertaking repairs, however, the Rechargeable Repairs Policy is in place to deal with situations where tenants may fail to act responsibly or maintain their homes to a satisfactory standard.
- 4.3 The Rechargeable Repairs Review Procedure allows tenants to request a review against their recharge if they have good reason to disagree with a decision. This may be because they consider:
- The reason for the recharge is incorrect.
 - The cost is incorrect.
 - They have special circumstances which have not been properly assessed or taken into consideration.
- 4.4 There are currently three stages to the review process:
- 4.4.1 An informal review where the recharge is considered by the officer who was originally responsible for identifying the recharge who takes into account any new information that has been provided by the tenant. If there is no new information or where it is considered that the additional information is insufficient to justify a revised decision, the recharge will be upheld.
- 4.4.2 A first stage formal review is considered by a Housing manager where the tenant has provided further new information. A decision is made on whether there is evidence that the recharge is inappropriate or where it is felt that discretion should be applied.

- 4.4.3 Where the tenant remains dissatisfied with the decision a second stage formal review is undertaken by the Rechargeable Repairs and Appeals Panel. The Panel's role is to examine the earlier reviews and to make a recommendation to the Chief Housing Officer for consideration on whether or not the recharge should be upheld. The Chief Housing Officer's decision is final and no further internal review can be undertaken.
- 4.5 The Rechargeable Repairs and Appeals Panel replaced an arrangement whereby the second stage of the Corporate Complaints Procedure was utilised to consider second stage requests for review of a recharge. The Panel was introduced following a consultation process carried out in 2014 with the Repairs and Improvements Group on the proposed introduction of the Rechargeable Repairs Policy. The Group suggested that tenant representatives should be involved in the recharge review process. The Rechargeable Repairs and Appeals Panel was considered an opportunity to involve tenants and local Members in considering requests for reviews.
- 4.6 The Terms of Reference of the Panel are to monitor the number of recharges raised, discretions applied and outcome of reviews at both the informal stage and Stage 1 of the review process in order to identify any particular trends and evaluate previous decisions. This enables outcomes of the policy to be measured for consistency.
- 4.7 The membership of the panel comprises:
- Tenancy Enforcement Manager/Older Persons Housing Manager (Chair)
 - An Area Housing Manager
 - A Council Member representative
 - One tenant representative
 - Public Sector Housing Manager (advisory capacity if required, no vote)
- The quorum for the meeting is 3 members, one of whom must be a Council Member representative or tenant representative. Additional officers are also required to attend Panel meetings to present cases for review when required and to benefit from learning outcomes in relation to consistency of decision making.
- 4.8 The Panel is programmed to meet on a monthly basis, and monitor the number of recharges raised, number and nature of cases where discretion is applied and the outcome of reviews at the informal stage and Stage 1 of the review process, in order to identify any particular trends and evaluate previous decisions. This enables outcomes of the policy to be measured for consistency.
- 4.9 Two Local Councillors and two tenants have been appointed to the Panel. It was agreed that, if available, all four panel members could attend each meeting as a learning exercise, but before the start of each meeting a decision would be taken as to who would be the voting representatives.
- 4.10 The introduction of the Panel took longer than anticipated to establish, during which time reviews continued to be considered in accordance with the Corporate Complaints Procedure, however following selection of panel members and completion of training the Panel first met in August 2016.
- 4.11 An internal audit undertaken on the former recharge procedure in 2014 identified inconsistency in the number of recharges being raised from each decentralised Housing office so during this interim period operational processes were reviewed and amended in an effort to improve consistency in the approach to recharge decisions, reviews and the use of discretion, which has led to a reduction in the number of requests for second stage reviews being received.
- 4.12 In total, to date, the Panel has been asked to consider only 9 second stage reviews and in each case the Panel's recommendation to the Chief Housing Officer was the recharge should remain. One case was subsequently overturned by the Chief Housing Officer and the recharge was withdrawn.

- 4.13 A number of changes have been made to procedures as a direct result of the Panel's discussions:
- September 2016 – Recharge letters amended to include information on the Council's insurance policy.
 - July 2017 – Housing Repair Operatives to take timed and dated photographs of front doors when they fail to get access as proof of their visit.
 - October 2017 – Wording of appointment letter amended (for glazing measurement) to make it clear that tenant or representative needs to be available to allow access inside the property.
- 4.14 Statistics have been presented to the Panel so that consideration could be given to the consistency of relative numbers of recharges raised across the two Area and two Neighbourhood Housing Offices and that discretion has been applied appropriately. A number of Stage 1 review cases have also been presented to evidence consistency.
- 4.15 Following Local Government elections in 2017 new Members and tenant representatives were appointed to the Panel.
- 4.16 It is evident that the number of second stage reviews being requested has reduced and been less than anticipated, leading to a number of Panel meetings being cancelled. Between August 2016 and 31st March 2017 four cases with a total value of £5,746.35 were presented to the Panel, with five cases in 2017/18, totalling £380.83, all of which were upheld. This compares with 17 cases in 2014/15, of which 8 were upheld and 14 cases in 2015/16, again 8 were upheld.
- 4.17 The average value of recharges being considered by the Panel in 2017/18 has been £76.16 with several less than £30 and, whilst the Rechargeable Repairs Policy is considered to have a significant impact in ensuring that tenants keep their property in a good state of repair, the costs involved in implementing the Recharge Review and Appeals Panel process are considered by officers to be disproportionate to the benefits achieved.
- 4.18 The staff resources associated with the Panel are considerable when compared with the use of the Corporate Complaints Procedure for second stage reviews. It has been established that the preparatory and investigative work involved in facilitating the Panel mirrors almost exactly that of the Corporate Complaints process previously utilised so that all costs associated with the Panel in carrying out second stage reviews, including attendance by Officers, Members and tenants are additional. There are also significant additional printing, redaction and postage costs necessitated by the Panel process.
- 4.19 It has been identified that the Panel process delays decision making in relation to second stage reviews as cases cannot be referred to the Panel until investigations have been fully completed. This necessitates a delay of up to one month to coincide with Panel meetings but this has on occasion been extended due to an initial Panel not being quorate.
- 4.20 Were the Panel to be discontinued it would be necessary to implement an alternative procedure for decision making . It is recognised that an officer panel would also need to meet regularly to ensure that the progress made to date in improving consistency in the application of the Rechargeable Repairs Procedure is sustained. A reporting mechanism would also be required to inform tenant representatives on decisions taken by officers in relation to informal, first and second stage reviews of rechargeable repairs.
- 4.21 It is considered that the introduction of a procedure that mirrors stage 2 of the Corporate Complaints Procedure for the investigation of second stage reviews of rechargeable repairs would be an appropriate replacement for the Panel. The investigative process, which has been proven to be effective, would remain unchanged, but the additional time and resources necessitated by the Panel process would be avoided. Final decisions in respect of these reviews would be made by the Public Sector Housing Manager or Chief Housing Officer.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that:

Long Term – improving and future proofing our properties; providing affordable housing for tenants; providing a fair and transparent service to tenants.

Prevention – providing well maintained, safe, warm and secure homes; preventing disrepair and promoting low maintenance for the future.

Integration – improved standards of housing and community environments.

Collaboration – joined up working arrangements within in-house teams and cost effective procurement arrangements.

Involvement – tenant meetings, consultation and information updates to obtain the views of the residents.

6. EQUALITIES IMPLICATIONS

- 6.1 An Equalities Impact Assessment is not needed as this report is recommending changes to the manner in which existing recharges are reviewed, therefore the Authority's full EIA process does not need to be applied.
- 6.2 Any Equalities issues that become apparent from conducting the review of the operation of the Rechargeable Repairs and Appeals Panel will be taken on-board and the policy amended.

7. FINANCIAL IMPLICATIONS

- 7.1 Were the Panel to be discontinued costs associated with the investigation of recharges by officers and associated decision notifications would remain unchanged as these processes are fully replicated in the Corporate Complaints Procedure however, there would be a saving to the Housing Revenue Account:
- Costs associated with producing and distributing documentation, reports, redacted information and copies of all paperwork for all Panel members.
 - Costs incurred in ensuring attendance at meetings e.g. taxi fares for tenants at approximately £40 per meeting, mileage expenses for Officers, hourly rate of Officers preparation for and attendance at meetings.
- 7.2 To date, these costs have outweighed the actual cost of the recharges being reviewed. Whilst the nine recharges being reviewed totalled £6127.18 (of which 1 recharge accounted for £5,634.95, the remaining 8 recharges combined totalled £492.23) preliminary data analysis has shown that the average cost of convening each Panel meeting is £660 excluding printing, redaction, postage and staff mileage costs. These costs are additional to the charges incurred when utilising the former process.

8. PERSONNEL IMPLICATIONS

- 8.1 Should the Rechargeable Repairs and Appeals Panel be discontinued this would free up Housing Officer and Housing Manager time associated with preparation for and attendance at Panel meetings.
- 8.2 There would be a saving in Officer time in the Tenant and Communication and Involvement Team in facilitating, preparing for and presenting at meetings, however this team would continue to undertake the investigative work associated with second stage reviews. Final decisions on second stage reviews would be taken by the Public Sector Housing Manager or Chief Housing Officer.

- 8.3 An Officer panel would be required to meet regularly to ensure that the progress made to date in improving the quality and consistency of decision making in relation to the rechargeable repairs review process continues.

9. CONSULTATIONS

- 9.1 The report reflects the views of the consultees.

10. RECOMMENDATIONS

It is recommended that:

- 10.1 The Rechargeable Repairs and Appeals Panel be discontinued.
- 10.2 All second stage reviews of rechargeable repairs be investigated using a process that mirrors the second stage of the Corporate Complaints Procedure.
- 10.3 Monitoring of consistency of implementation of the Rechargeable Repairs Procedure in relation to requests for review and the application of discretion be undertaken by a Housing Manager Panel on a quarterly basis.
- 10.4 An annual report is provided to the Repairs and Improvement Group on the number, nature and outcome of second stage reviews of rechargeable repairs considered under the revised procedure, together with decisions taken in respect of informal and stage 1 formal reviews.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 Due to the reduction in the number of recharge reviews being requested by tenants and the progress made in evidencing consistency of decision making, it is not considered to be cost effective to continue with the Rechargeable Repairs and Appeals Panel.

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Appendices:
Appendix 1 Rechargeable Repairs Policy

CAERPHILLY HOMES
HOUSING SERVICES
RECHARGEABLE REPAIRS POLICY

JUNE 17

Rechargeable Repairs Policy

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1. Introduction

Caerphilly Homes is committed to providing a responsive and effective housing repairs and maintenance service. This is to ensure high levels of tenant satisfaction and to protect the value of its housing stock.

The council as Landlord has an obligation to keep its housing stock in good repair. We will do this when repairs are reported, with no cost to the tenant, providing the repair is a Landlord responsibility and is required as a result of fair, wear and tear. This normally means where the fixture or fitting has worn out or has come to the end of its natural life.

The majority of tenants keep their homes in good condition but there are some who do cause damage deliberately or through neglect. Where such jobs are required, we call these rechargeable repairs. We do not want the tenants who look after their homes to share the costs of repairs for those who do not.

Caerphilly Homes will ensure that no individual is discriminated against on grounds of their ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non-belief, use of Welsh language, BSL or other languages, nationality, responsibility for any dependents or any other reason which cannot be shown to be justified.

Caerphilly Homes will ensure the promotion of equal opportunities by publishing information and documentation in different languages and other formats such as large print, tape and Braille as required. An Equality Impact Assessment was undertaken on this Policy prior to its implementation

Where a repair is found to be the tenant's responsibility, the tenant, in some circumstances may have the option to undertake the repair themselves. However, in order to ensure the repair is completed to the required standard this will be monitored. Where ever possible the tenant will be advised prior to the work being undertaken.

Repairs that require a qualified tradesman to undertake the repair or where the repair may lead to health and safety concerns will be completed by Caerphilly Homes, and the tenant recharged for the full costs.

The council offers all tenants of Caerphilly Homes an insurance policy which will cover certain repairs for which the council is not responsible. Tenants also have the option of paying an additional premium to cover accidental damage.

A Recharge Procedure is in place for staff guidance to ensure consistency is applied across the borough. The Policy and Procedure will be reviewed annually unless legislative changes require that it be reviewed earlier.

Tenants Representatives have been consulted and contributed to the development of this policy.

2. Objectives of the Policy

- To give guidance on the circumstances where repairs will be recharged
- To give guidance on the circumstances where discretion will be exercised – see Appendix 1 for Exceptional Circumstances
- To outline the recharge process for repairs
- To inform tenants how to request a review or dispute the recharge – see Appendix 3
- To show how rechargeable repairs will be monitored in order to maintain equality and to seek continuous improvement.

3. Policy Statement

The Tenancy Agreement states that the tenant is responsible for paying the Council on demand any costs it incurs as a result of:

- willful damage
- neglect or negligence by the tenant or any person residing in or visiting the property
- the removal of any unauthorised alterations or improvements to the property and any necessary reinstatement work
- failure by the tenant to carry out, within a reasonable time, any repair to the property which is their responsibility.

4. Principles of the Policy

The overall aim of the Recharge Policy is to contribute to the efficient maintenance of the Council's housing stock and to ensure that properties and expenditure are managed effectively. The principles which inform this aim are as follows:-

- 4.1 To efficiently and cost effectively manage tenancies by emphasising both the rights and responsibilities of tenants. Not raising rechargeable bills would deprive the Council of much needed income and increase the costs of the service and rental levels to all of our tenants.
- 4.2 To promote the provision of homes at affordable rents and in return expect our tenants to act responsibly and look after their homes.

- 4.3 To always consider the needs of vulnerable tenants. Exceptional circumstances will be taken into consideration and criteria will be used to assess exceptional circumstances. See Appendix 1.
- 4.4 To negotiate sustainable and affordable repayment plans with tenants/former tenants for rechargeable repairs.
- 4.5 To provide a repairs and maintenance service which is fair to all tenants, open, transparent and with recharges being consistently applied.

5. Rechargeable Repairs Definitions

Repairs that have been completed by Caerphilly Homes or it's appointed Contractors which are the tenants/former tenants responsibility are as follows:

- Neglect – preventable damage caused by the tenant failing to take the appropriate action or through carelessness.
- Property Clearance – During a tenancy or when a tenancy ends there will be a recharge raised for works identified as a tenant's responsibility. This includes clearance of any rubbish and personal belongings that have been left in the attic, garden, garage, out buildings and communal areas.
- Damage – caused by actions of the tenant, former tenant, tenants family, invited guests or a contractor employed by the tenant.
- Accidental Damage – where damage has occurred unexpectedly and without malice
- Criminal Damage – Where the tenant has reported that the damage to the property occurred as a result of either criminal or anti-social behaviour. A 'Declaration of Truth' form is sent to the tenant which should be returned within 14 days. If the Declaration of Truth form is not returned or the incident is not reported to the Police a recharge will normally be applied.
- Domestic Abuse – Damage to the property where the tenant has reported an incident to the Police, which is subject to a Domestic Abuse Conference Call (DACC). If the perpetrator remains living at the property or the tenant remains in the relationship and does not take action against that person the damage will normally be recharged.
- No Access – The tenant is recharged for the cost of a failed appointment when prior arrangements have been made to carry out a repair and no access is available at the agreed time. However if the Council fail to attend an appointment at the agreed time compensation to the tenant based on the standard charge will be considered, providing loss of income is evidenced. This includes no

accesses for annual services to gas/solid fuel central heating appliances.

- Abuse of the Emergency Service – Tenants are recharged for misuse of the Out of Hours Emergency Service when it is clear that the repair could have waited until the following working day. Callers are advised of this on the emergency service recorded message and are then reminded when questioned by the Standby Operators who follow a standard script.
- Tenant Responsibility – Tenants who use the Repairs Service including the Out Of Hours Emergency Service for reporting a repair that is later found to be the tenant's responsibility will be recharged for all costs incurred by the authority.
- Tenants Alterations – If a tenant has undertaken unauthorised alterations to the property, which are not to the Councils required standards and the tenant fails or refuses to undertake the remedial works, then the Council will undertake the works in default, and the tenant recharged the full cost.
- Owner Occupiers – shared maintenance responsibility. This involves any part of the structure or a fixture that is shared with an adjoining council property such as chimney stacks, paths and fences. The private owner will be liable for costs incurred by the Council on their behalf.
- Leaseholders – these are costs for repairs undertaken to the structure of the building and are charged annually. The leaseholder would not be recharged for the full cost of the work; they would pay a share, in accordance with the terms of their lease, which depends on the number of flats in the block.

6. Rechargeable Repairs Criteria (the list is not exhaustive)

End Of Tenancy Works

1. Any work carried out after vacating the premises to repair damage caused to the property or to replace missing or broken fixtures and fittings. This also includes cleaning and decoration.
2. Broken floor tiles following removal of tenant installed floor covering
3. Forced entry and associated damage where no keys returned to include house, garage, shed.

4. Clearance of property, garden and outbuildings
5. Fumigation or extermination costs
6. Removal and making good tenants unauthorised or substandard alterations, including garden.

Response Repairs

1. Any damage identified as being caused by the neglect or carelessness of the tenant, members of the tenant's household, or his/her visitors, lodgers or pets. This also includes unacceptable hygiene conditions, decorative standards and conditions of garden (and accumulation of rubbish).
2. Replacement of all door locks including garages and sheds.
3. Forced entry and associated damage (to include following loss of keys, Police entry, emergency service etc.)
4. All glazing internal and external including board up
5. Broken/damaged sanitary fittings
6. Electric works where loss has been caused by the tenant's appliance i.e. cooker or by accidental damage to the wiring in the property.
7. Electric safety checks following tenants alterations including light fittings.
8. Damage to the heating and hot water system or associated fittings i.e radiators.
9. Cost of Contractors wasted visit for inspection/repair of gas or electrical fittings due to lack of supply caused by tenant not crediting card/key
10. No access call on appointment (01 - OOH, 02, 03)
11. Blocked sinks, wash hand basins, baths and toilets unless a structural defect i.e. cracked drain causes blockage.
12. Replacement of bulbs, fuses and fluorescent tubes except in communal areas.
13. Abuse of Out Of Hours Emergency Service when repair does not fall within emergency criteria.

14. Use of Out of Hours Emergency Service when repair is tenant's responsibility.
15. Removal and making good tenants unauthorised or substandard alterations or any work carried out to fixtures, fittings or appliances installed by or belonging to the tenant, or to alterations the tenant may carry out during the tenancy, in order to make them safe.
16. Damaged caused to another property through tenant misuse or neglect. i.e. bath overflowing into ground floor flat.
17. Re-fixing radiators following redecoration
18. Renewing fire fronts if damaged or painted
19. Owner/Occupier joint responsibility e.g. chimney stacks, fencing

7. Cost of Repairs

- 7.1 The cost of the repair will be recharged as shown in Appendix 2.
- 7.2 No charge will be made for any additional administration or 'handling' fees.
- 7.3 A minimum job cost will apply on all repairs carried out and this will be forwarded onto the tenant/former tenant. There is no set maximum price limit. An exception to this is the cost of any repairs undertaken by Contractors employed by Caerphilly Homes where the actual cost charged to Caerphilly Homes will be forwarded onto the tenant.
- 7.4 Where the tenant uses the Council's out of hours emergency service due to accidental or criminal damage (not fair wear and tear), the recharge will depend on the damage that has been caused and where it relates to criminal damage, consideration will be given to a recharge subject to the receipt of a declaration of truth form. Where a recharge applies this will be for the cost of the call out in addition to the cost of any repair undertaken.
- 7.5 Where a tenant uses the Council's emergency service for non-emergency repairs such as calls which could wait until the next working day, the tenant will be recharged for the cost of the call-out but not for the cost of the repair.
- 7.6 Where a prior appointment has been made with the tenant to carry out a repair and access is not available the tenant will be recharged for the cost of the no access call at the standard rate. (no minimum charge applies). Where the Council fail to attend an appointment at the agreed time and subject to financial loss being evidenced, compensation to the tenant based on the standard no access rate will be considered.

8. Monitoring

- 8.1 The Policy will be reviewed in consultation with Tenants Representatives, staff and other stakeholders.
- 8.2 The Policy will be reviewed annually unless there are any reasons, such as legislative changes, requiring that it be reviewed earlier.
- 8.3 In order to comply with its service commitments, it is important that we monitor the effects of the rechargeable repairs procedure. Areas to be monitored are as follows:
 - Amount recharged and income collected
 - Number of rechargeable repairs raised at each housing office divided between void and response recharges
 - Consistency in relation to the reason for recharging and the type of repairs recharged
 - Target times for recharges being raised

9. Review Process

See Appendix 3 for the Reviews Procedure

- 9.1 The Council Housing Repairs System allows tenants to request a review against their recharge if they have good reason to disagree with a decision. This could be because: -
 - The reason for the recharge is incorrect
 - They think the cost is incorrect
 - They think they have special circumstances which have not been properly assessed or taken into consideration
- 9.2 Current and former tenants have the right to a review by contacting their local housing office.
- 9.3 Throughout this process tenants may wish to take advice from an independent source such as the Citizens Advice Bureau, Law Centre or Solicitor.

10. Links to other relevant Policies/Documents

- Tenancy Agreement
- Tenants Handbook
- Rechargeable Repairs Policy
- Empty Property Management Procedure
- Complaints Policy
- No Access Procedure
- No Access for Annual/bi annual Servicing of Gas/Solid Fuel Central Heating Appliances
- Rechargeable Repairs Leaflet
- Tenants Maintenance Responsibilities
- Response Repairs Joint Responsibility Procedure
- Landlords Consents Procedure
- Termination of Tenancy Procedure
- Leaseholders Handbook

APPENDIX 1

EXCEPTIONAL CIRCUMSTANCES

Each case must be assessed and discretion not to recharge may be exercised by Council staff, depending on the circumstances affecting the individual case. In considering when discretion should be exercised and a recharge waived in full or in part, account will be taken of:

- Tenants Age
- Tenants Health
- Disability issues (physical, mental or learning)
- Domestic Abuse
- Harassment or victimisation (including issues of hate crime against any of the protected characteristics listed on page 3 of the policy)
- Reasons for the repair
- Tenants ability to carry out repair
- History of previous rechargeable repairs and
- Legal (criminal) action being taken. Confirmation must be provided by either the Police, a Legal Representative or directly from the Court. A crime incident number or log/reference number alone is not normally sufficient.

APPENDIX 2

RECHARGEABLE REPAIR RATES

The following rechargeable rates will apply when staff raise the following works orders: -

Rates will be revised annually from the 1st April.

No Access = £28.81

A no access charge is payable for failed appointments, this charge is based on covering a percentage of the operatives time, transport and administration for processing the work.

Out of Hour calls (Stand-by) = £95.42

A call out charge is payable for reports of accidental or criminal damage (not fair wear and tear). This charge is based on covering the costs for employing the operative for this service, plus transport and administration for processing the work. Material costs are not included in the call out charge and will be calculated separately.

Small Repairs = £44.71

Examples of a small repair include the replacing of door locks or the repairing of a leaking tap or leaking toilet.

The cost will include travel to the property, all materials and labour costs and up to 1 hour of the operative's time to complete the job.

Medium Repairs = £89.41

Examples of a medium repair include the replacing of toilet pans or one internal door

The cost will include travel to the property, all materials and labour costs and up to 2 hours of the operative's time to complete the job.

Large Repairs = £178.82

Extra Large Repairs + £388.30

Examples of a large and extra large repairs include the replacing of a wash hand basin or kitchen unit.

The cost will include travel to the property, all materials and labour costs and up to 4 hours of the operative's time to complete the job.

The following repairs will attract additional material costs due to them being high value items:

Small Repair - electric showers and gas or electric meter doors

Medium Repair - kitchen and bathroom extractor fans

Larger type repair works over 4 hours will be calculated either using the authorities agreed Schedule of Rates which are used for the specification and pricing of repair works including materials and labour, or by means of a quotation if the work is required to be completed by an external contractor

With the exception of No Access calls or calls where no work was undertaken i.e. tenant refused work, all repair costs will be subject to VAT.

APPENDIX 3

REVIEW PROCEDURE

Non-Statutory Review

The Council Housing Repairs Policy allows tenants to ask for a review against their recharge if they have good reason to disagree with a decision. This could be because: -

- The reason for the recharge is incorrect
- The tenant thinks the cost is incorrect
- The tenant thinks there are special circumstances, which have not been properly assessed or taken into consideration

THE PROCEDURE

We will do our best to help tenants without them having to use this procedure but if it does become necessary then this is what will happen: -

1. There are two stages to this procedure as follows:
 - Informal Review

Tenants will be written to as soon as it has been identified that a recharge will be made giving an estimated cost. If the recharge is disputed for any of the reasons listed above, they should contact the Housing office within 21 days of the Council's notification, giving reasons. If this review is unsuccessful and the work is completed, they will be written to again with an actual cost.

If they have already requested a review against the reason for the recharge we can only consider a further request at this informal stage if they disagree with any additional cost or where there may be special circumstances to be considered.

If they disagree with the recharge they must contact the housing office within 21 days giving their reasons. The Officer responsible for the original decision will carry out the review and will write to them inform them of their decision.

- Formal Review

If they are not satisfied with the decision of the informal review then a formal review can be undertaken. They must again contact the housing office within 21 days of the

date of the informal review letter, providing clear reasons as to why they consider that the decision is unfair or unreasonable.

A Housing Manager will carry out this review who will inform them of their decision.

It is essential that they provide clear reasons or additional information that they believe was not taken into account on the informal review to allow this review to be undertaken. No formal review can be undertaken if they fail to do this. They will be advised if this is the case.

If the tenant/former tenant remains dissatisfied following receipt of this decision then a second stage formal review can be undertaken. The tenant/former tenant should again contact the housing office within 21 days providing clear reasons as to why they consider that the decision was unfair or unreasonable.

At this stage the review will be considered by the Recharge Review Panel whose role will be to examine the earlier reviews and make a recommendation to the Chief Housing Officer for his consideration on whether or not the recharge should be upheld. The Chief Housing Officer's decision is final and no further review can be undertaken. The Chief Housing Officer will write to you to inform you of the decision.



CABINET – 25TH APRIL 2018

SUBJECT: BEDWELLY SCHOOL PLAYING FIELDS

REPORT BY: INTERIM CORPORATE DIRECTOR OF COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To seek views from Cabinet on a proposal to declare two football fields situated within the grounds of the former Bedwellty Comprehensive School, Aberbargoed shown hatched red on the Plan attached at Appendix 1, as surplus and to undertake statutory consultation as required by the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 and associated Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015 the outcome of which could allow the sale of the site for residential development. This will be the subject of a further report to Cabinet.

2. SUMMARY

- 2.1 Bedwellty Comprehensive School was closed in 2005 and subsequently demolished. The playing fields were initially unused but more recently have been used by Fleur-de-Lys Senior AFC.
- 2.2 The adjacent site has been sold for housing and the pavilion that serves the playing fields must be removed or relocated no later than 31st May 2018.
- 2.3 An alternative and more conveniently located home ground is available for Fleur-de-Lys Senior AFC and Cabinet approval is sought to declare the playing field site surplus at the end of the current season and to commence consultations that could allow the sale of the site for residential development.

3. LINKS TO STRATEGY

- 3.1 The Wellbeing of Future Generations (Wales) Act 2015 is about improving the social, economic, environmental and cultural wellbeing of Wales. It requires public bodies to think more about the long term, working with people and communities, looking to prevent problems and take a more joined up approach. This will create a Wales that we all want to live in, now and in the future. The Act puts in place seven wellbeing goals and the contents of this report links into two i.e. "A Wales of Vibrant Culture and Thriving Welsh Language, a Globally Responsive Wales"

4. THE REPORT

- 4.1 Bedwellty County Secondary School was officially opened in 1937. In 1973 the school became a Comprehensive and it was closed in 2005 and subsequently demolished. Although initially the two school football fields were unused they were brought back into beneficial use by the Parks Department in 2015 to provide facilities for Fleur-de-Lys Senior AFC as the ground conditions at their previous home ground, The Ynys, were unsatisfactory.

- 4.2 In January 2018, the Authority sold the site of the former school, outlined in blue on the site plan in Appendix 1, for residential development. However, the two football fields highlighted in red on the same plan were retained.
- 4.3 The pavilion that supports the playing pitches is currently situated on the land sold for residential development. The purchaser of the site requires vacant possession by the end of May 2018. If the Authority were to relocate the existing pavilion from its current location onto the area being retained, this would result in the loss of one football pitch. However, members should note that the pavilion is currently not fit for purpose and has been sited at several previous locations. Assuming it remains a necessary facility and it withstood the move it is estimated that re-siting the pavilion and connecting it to services would cost circa £40,000.
- 4.4 In addition, provision would need to be made for car parking, which is particularly problematic within the retained site and this could cost a further £50,000. It would not however, be possible to accommodate all car parking on site so inevitably nuisance parking on the main road and surrounding street would continue to happen if the playing fields are retained. There is no budget provision for the aforementioned costs.
- 4.5 Officers have entered into dialogue with Fleur-de-Lys Senior AFC who are currently the sole users of this facility. It has been established that they can be accommodated within the existing provision at Trelyn Park, Fleur-de-Lys. In doing so this will ensure that the existing provision at Trelyn Park is fully utilised. The club are in favour of the relocation to their home village.
- 4.6 Consultation has taken place with the two Ward Members for Aberbargoed (Councillors Alan Higgs and Alan Collins), who are both supportive of the disposal of the two football fields for residential development. However, should Cabinet endorse the recommendation then full consultation will be carried out on the proposed disposal and the outcome reported back to Cabinet for consideration.
- 4.7 If Fleur-de-Lys Senior AFC are relocated the playing fields would be declared surplus and the Authority could then take steps to comply with the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 and associated Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015 (the Regulations). The 2010 measure provides a power for the Welsh Minister to make provision, by regulations, for the involvement of communities in decisions by Local Authorities about the proposed disposal of land consisting of, or forming part of a playing field. The primary purpose of the Measure and associated Regulations is to:
- Require a Local Authority to publish information on the impact of the proposed disposal of a playing field on the health and well-being of the community, by reference to a number of key strategies, plans and assessments for the area in which the playing field is located: and
 - Strengthen arrangements for consulting the community, playing field users and relevant national bodies before a Local Authority takes a final decision to proceed with a proposed disposal.

In order to comply with the Regulations detailed above, the timeline for disposal could be circa 12 months.

- 4.8 The Regulations provide that a Local Authority must, before making a decision to dispose of a playing field, give notice of its intention to do so and undertake consultation as set out in the Regulations and associated statutory guidance. Having considered all representations a Local Authority must prepare a report (“a Decisions Report”) summarising representations and the reasons for its decision to dispose or not to dispose of the playing field. Where a decision is made to proceed with a decision to dispose, further prescribed notice must be given and a Local Authority may not proceed with a proposed disposal until 12 weeks has elapsed from the date of the publication of the first notice confirming a decision to proceed.

- 4.9 Should a decision be made to proceed to dispose in accordance with the provisions of the Regulations, the site could then be marketed for sale for residential development. Based upon the sale price achieved for the adjacent land that was sold in December 2017, the sale of this site for residential development should achieve a capital receipt of circa £500,000. However, this clearly depends on the prevailing market appetite. A proportion of the residential development would be for affordable homes. These matters will however be the subject of a further report to Cabinet should members be minded to endorse the recommendations set out in paragraph 10 below.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report contributes to the wellbeing goals as set out in the Links to Strategy section above. The proposal is consistent with the five ways of working set out within the sustainable development principal contained in the Act. In particular, relevant stakeholders have been involved in developing this proposal. In addition the recommendation takes a long term view in recognising that more suitable alternative playing provision is available.

6. EQUALITIES IMPLICATIONS

- 6.1 Given that the playing fields are used solely by Fleur-de-Lys AFC and they are very content to be offered alternative playing facilities (with improved changing room provision) within the heart of Fleur-de-Lys village, combined with the fact that the measure referred to in paragraph 4.8 above will require additional more detailed consultation, it is suggested that any equalities implications will be captured through this process.
- 6.2 At this initial stage an Equalities Impact Assessment screening has been completed in accordance with the Council's Strategic Equality plan and supplementary guidance. No potential for unlawful discrimination and / or low level or minor negative impact has been identified; therefore a full Equalities Impact Assessment has not been carried out.

7. FINANCIAL IMPLICATIONS

- 7.1 If the playing fields are retained it is estimated that a one off cost of circa £90,000 will be incurred. There is no current budget provision to cover these costs.
- 7.2 If the playing field site is sold for residential development a capital receipt of circa £500K could be achieved. However, this clearly depends on the prevailing market appetite. In addition, there will be marginal revenue savings relating to materials such as grass seed, line marking compound, cleaning materials etc.
- 7.3 Any costs associated with the statutory consultation process will be met from existing budgets and undertaken by existing resources.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications associated with this report.

9. CONSULTATIONS

- 9.1 This report reflects the views of the listed consultees.

10. RECOMMENDATIONS

- 10.1 It is recommended that the playing fields shown hatched red on the plan attached at Appendix 1 are taken out of use at the end of the current season (20th May 2018) and declared surplus.
- 10.2 The process of complying with the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 and Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015 is commenced and a further report is brought back to Cabinet with the outcome of the consultation which will contain recommendations on the reallocation of the land or to undertake the process required to dispose of the playing fields.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To enable existing assets to be utilised to their full potential and thus reduce maintenance expenditure. To enable the Authority to receive a capital receipt and to release the land for residential development that would include affordable homes.
- 11.2 To fulfil the requirements of the statutory process required where a Local Authority proposes to dispose of a playing field.

12. STATUTORY POWER

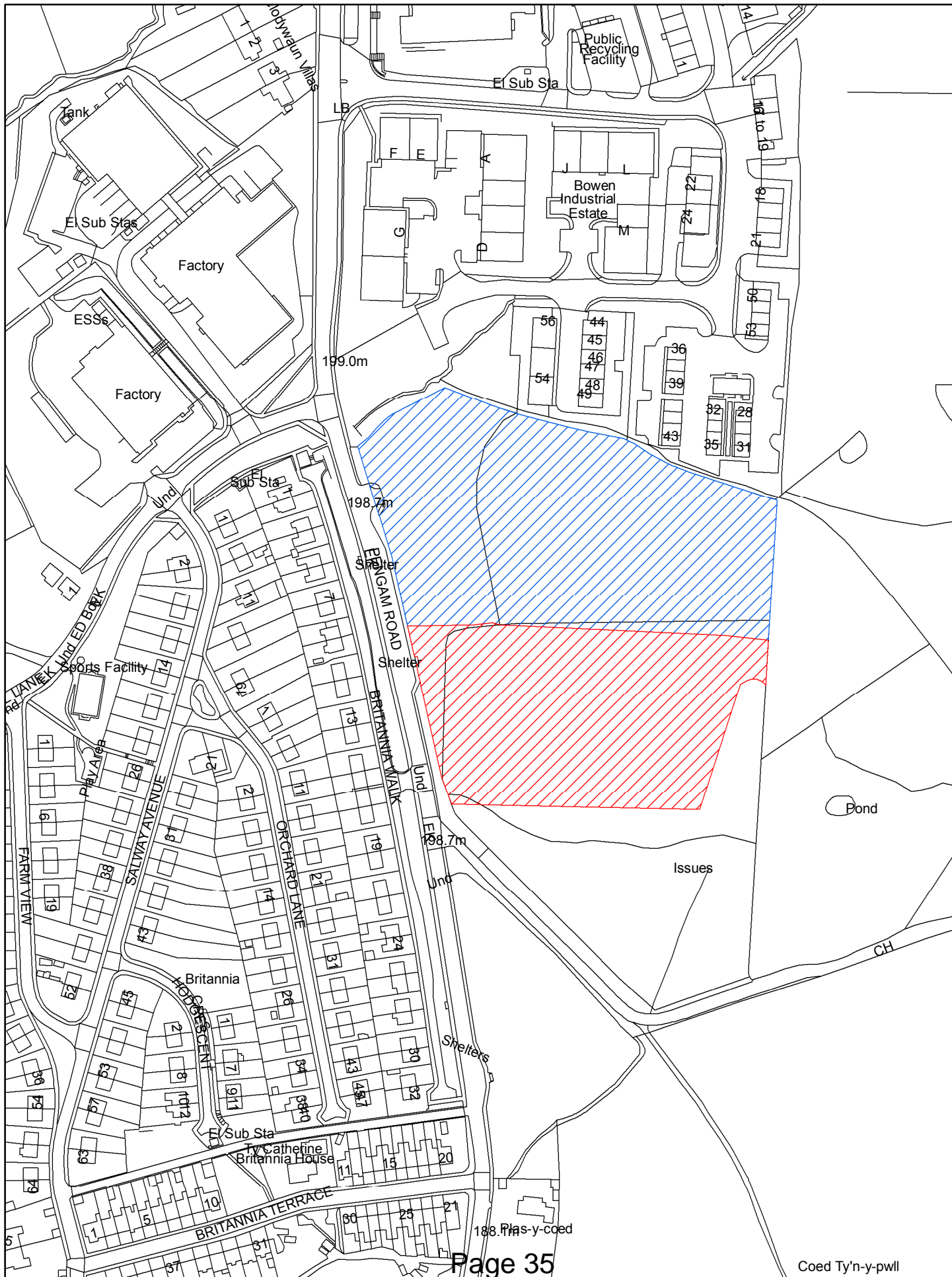
- 12.1 Local Government Act 2000.
Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010.
Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015.

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Background Papers:
Welsh Government Statutory Guidance – on the Playing Fields (Community Involvement in Disposal Decisions) (Wales) (Regulations) 2015

Appendices:
Appendix 1 Site Plan



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CABINET – 25TH APRIL 2018

SUBJECT: IMPLEMENTATION OF THE SUSTAINABLE DRAINAGE SYSTEMS APPROVAL BODY (SAB)

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

-
- 1.1 The attached report, which was presented to the Regeneration and Environment Scrutiny Committee on 27th March 2018, updated Members regarding the new statutory function for the Council to establish a Sustainable Drainage (SuDs) Approval Body (SAB) under schedule 3 of the Flood and Water Management Act 2010. The report also sought Cabinet approval to establish a structure to deliver the SAB.
 - 1.2 Members were advised that Schedule 3 of the Flood and Water Management Act (FWMA) 2010 requires surface water drainage for new developments to comply with mandatory National Standards for Sustainable Drainage systems (SuDs). It also requires surface water drainage systems to be approved by a SuDs Approving Body (SAB) before construction work with drainage implications may begin. The responsibility for delivery of the SAB functions rests with the 22 local authorities in Wales alongside their duties as Lead Local Flood Authority (LLFA), and this function will commence in May 2018 with a proposed transition period of 6 months.
 - 1.3 It was explained that the SAB, as an independent body within the local authority, will deal with a technical statutory approval process and be able to charge for services within this process. Examples of chargeable aspects were detailed within the report. A business case is currently being prepared in view of the additional staff resources and posts required to meet the statutory function, and it is anticipated that income generation from the SAB is predicted to cover all salary costs and overheads associated with supplying this function. In addition there is a potential for further income generation through regional working and collaboration with neighbouring authorities that have fewer resources and technical knowledge to deliver this statutory function
 - 1.4 A Member queried the reporting mechanisms for the SAB and it was confirmed that this would be monitored by the Head of Engineering Services and their team. Discussion took place regarding estimated income generation from the SAB and it was explained that the Council will have options in place (such as fixed term contracts and / or phasing of appointments) to ensure that the additional staffing resources required can be funded from the income received. Members were assured that the income generated would meet all costs associated with this statutory function and were provided with examples of the charging elements and how fees are calculated. It was also explained that the new SAB will provide consistency across all new developments by inspecting surface water drainage systems to ensure that they meet the appropriate standard. In response to a Member's query, it was confirmed that Dwr Cymru Welsh Water had been consulted in regards to the land drainage elements of the new SAB.

- 1.5 Following consideration of the report, the Regeneration and Environment Scrutiny Committee unanimously recommended to Cabinet that for the reasons contained therein, the required Sustainable Drainage Systems Approval Body (SAB) with CCBC be established, together with the additional self-funded posts which will allow CCBC to undertake this statutory function and keep the local engineering knowledge and expertise within CCBC.
- 1.6 Members are asked to consider the recommendation.

Author: R. Barrett, Committee Services Officer, Ext. 4245

Appendices:

Appendix 1 Report to Regeneration and Environment Scrutiny Committee on 27th March 2018 – Agenda Item 9



REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE – 27TH MARCH 2018

SUBJECT: IMPLEMENTATION OF THE SUSTAINABLE DRAINAGE SYSTEMS APPROVAL BODY (SAB)

REPORT BY: INTERIM CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To update members regarding the new statutory function Caerphilly County Borough Council has to establish in regard to a Sustainable Drainage (SuDs) Approval Body (SAB) under schedule 3 of the Flood and Water Management Act 2010 and to seek Cabinet approval to establish a structure to deliver the SAB.

2. SUMMARY

- 2.1 Schedule 3 of the Flood and Water Management Act (FWMA) 2010 requires surface water drainage for new developments to comply with mandatory National Standards for Sustainable Drainage systems (SuDs). It also requires surface water drainage systems to be approved by a SuDs Approving Body (SAB) before construction work with drainage implications may begin.
- 2.2 The responsibility for delivery of the SAB functions rests with the 22 local authorities in Wales alongside their duties as Lead Local Flood Authority (LLFA) and this function will commence in May 2018 with a proposed transition period of 6 months.

3. LINKS TO STRATEGY

- 3.1 The SAB will contribute to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
- A prosperous Wales
 - A resilient Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities, and
 - A globally responsible Wales
- 3.2 The SAB links to the authority's draft Well Being Objective 4: Promote modern, integrated and sustainable transport system that increase opportunity, promotes prosperity and minimises the adverse impacts on the environment.
- 3.3 There are further links to the Engineering Services Division Objectives:
- 3.3.1 To provide safe and efficient transport and land drainage infrastructure through quality service delivered by means of cost effective management, maintenance and improvement of the networks.

- 3.3.2 To develop engineering solutions and methods which have regard to the value of the natural and built environment and to the principle of sustainable development.
- 3.4 The report supports the Prosperous, Safer and Greener themes of the 'Caerphilly Delivers' in the single integrated plan.
- 3.5 Effective regulation and Management of flooding/flood risk promotes sustainable development, which does not exacerbate flooding. This links to the Caerphilly County Borough Council (CCBC) Flood Risk Management Strategy and Plan.

4. THE REPORT

- 4.1 Surface water flooding is a serious problem, identified in the National Strategy for Flood and Coastal Erosion Risk Management as a major cause of flooding of homes. The impact on citizens, communities and cost to the Welsh economy is significant. The risk of flooding is on the rise owing to climate change and urbanisation. Local flooding, due to the overloading of volume constrained drainage systems and sewers, is also of increasing concern.
- 4.2 Under the terms of the Flood and Water Management Act 2010, the Lead Local Flood Authorities are responsible for local flood risk which includes that from surface water, ground water and ordinary watercourses.
- 4.3 Surface water runoff can be an important source of diffuse pollution. The potential damage to our groundwater and rivers from polluted surface water runoff increases with each new development.
- 4.4 There are currently lost opportunity costs where the drainage design fails to deliver multiple benefits (for example amenity and biodiversity) beyond simple surface water management.
- 4.5 Schedule 3 of the Flood and Water Management Act 2010 requires surface water drainage for new developments to comply with mandatory National Standards for Sustainable Drainage Systems (SuDs). It also requires surface water drainage systems to be approved by a SuDs Approving Body (SAB) before construction work with drainage implications may begin. Provided National Standards are met, the SAB would be required to adopt and maintain the approved SuDs that service more than one property. This can remove uncertainty over the design and adoption of surface water drainage for new developments which previously hampered developments.
- 4.6 The responsibility for delivery of the SAB functions rests with the 22 local authorities in Wales alongside their duties as Lead Local Flood Authority and this function will be commencing in May 2018 with a proposed transition period of 6 months.
- 4.7 In order to deliver the aims of the Act, there are requirements to:
- make unitary authorities in Wales the responsible SuDs Approving Body (the SAB) to approve new drainage systems before construction can commence.
 - requires the SAB, where appropriate, to adopt drainage systems serving multiple properties, making it responsible for ensuring a surface water drainage system adopted by the SAB is maintained in accordance with the mandatory National Standards.
 - enables secondary legislation to be made relating to various matters concerning approval and adoption.
 - establishes the role of statutory consultees in the approval process.
- 4.8 The SAB is an independent body within the local authority, dealing with a technical statutory approval process.

- 4.9 There will be a need for the Local Authority to secure bonds, fees and service charges for the sustainable and ongoing maintenance of SuDs schemes.
- 4.10 Additionally SuDs schemes will need to be inspected by the SAB during construction, to ensure they are built to the appropriate standard with the specified or suitable materials, and once in operation, to ensure they are properly maintained and not damaged. The authority may charge an inspection fee based on cost recovery.
- 4.11 SuDs systems which meet the specified adoption criteria can be offered for adoption to the SAB. Adoption by the SAB will be via a bespoke legal agreement. The SAB will require payment of a commuted sum or maintenance charge which is reflective of the maintenance/replacement plan for the lifetime of the development.
- 4.12 The SAB, as an independent body within the local authority, will deal with a technical statutory approval process and be able to charge for services within this process. Examples of chargeable aspects are: -
- SAB pre-applications – This is a key function of the SAB to engage with developers for technical pre-application discussions. This will steer developments to comply with the National Standards. When schedule 3 of the FMWA is implemented the SAB will be able to charge for pre-application comments. It should be noted that SAB pre-application is limited to a high level overview. Detailed comments will be provided at the Outline/Full application stage. The charges for pre-application are (subject to approval by Council) and will start from £250 (minimum) depending on the size of the development plus there would be similar charges for commercial properties which would be based on squared metres. Additionally there would be additional fees for services e.g. site meetings and this would be based on 20% of the minimum application charge of £350 and will vary depending on the size of the proposed development.
 - Outline/Full applications – Under the current proposal by WG one property or above (or development above 100sq.m or with drainage implications) would require SAB approval. This process is chargeable at rates set by WG. Application costs start from £350 (minimum) with an additional amount up to £7,500 (maximum) calculated by reference to the size of the construction area.
 - Inspection of assets – SuDs schemes will need to be inspected by the SAB during construction, to ensure they are built to an appropriate standard. The SAB may charge an inspection fee based on cost recovery, based on hourly rate and number of hours.
 - Adoption arrangement – SuDs which meet the specified adoption criteria can be offered for adoption to the SAB. Adoption by the SAB will be via a bespoke legal agreement and commuted sums or maintenance charges which reflect the maintenance /replacement plan that will be required for the lifetime of the development.
- 4.13 There are further opportunities to regionalise and collaborate these services with other local authorities that have fewer resources and technical knowledge to deliver this statutory function. CCBC officers have already commenced provisional discussions with a number of neighbouring local authorities to establish whether CCBC could deliver this service for adjoining authorities. These discussions are at relatively early stages and appropriate legal advice is being sought to ensure that any such opportunities are feasible.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report contributes to the Well-being Goals as set out in Links to Strategy above (3.1). The effective regulation of flooding/and managing flood risk links to the following Well-being Goals, within the Well-being of Future Generations Act (Wales) 2015:

A resilient Wales

The new statutory function will lead to a better sustainable integrated approach for dealing with rainwater that uses the landscape to protect developments from flooding and prevent pollution, delivering a controlled flow of clean water that can be used for amenity and wildlife benefits. The implications of flooding can be significant on local businesses so flood prevention enables our businesses and communities to be more resilient. The involvement of residents, businesses and communities is vital to the success of sustainable development in the long term.

A prosperous Wales

The new statutory function will lead to sustainable drainage systems that contribute to the quality and functionality of host landscapes providing usable and attractive places for local community users to enjoy. The implications of flooding can be significant on local businesses so flood prevention enables our businesses and communities to be more prosperous. Collaborative networks have been set up with NRW, Welsh Water, other local authorities and local communities, integrating with council's internal departments (Countryside and Landscape, Planning, Environmental Health and Urban Renewal) which prevents duplication of task undertaken.

A healthier Wales

A clean, green environment where water is seen as a resource, with access to open space, clean air and water are key elements of health and well-being. For instance by working closely with Caerphilly's Planning and Countryside departments and local developers promoting nature based solutions this will also be a key element of health and well-being. This integrated working of services will be critical to successful outcomes being achieved with the SAB implementation.

A more equal Wales

Some of our poorest environmental quality is associated with our most deprived areas. Ensuring that everyone across the county borough has equal access to a clean, green and an attractive environment is a core element of our work, and is a supported SAB function.

A Wales of cohesive communities

By managing flood risk and engaging with the community through creative solutions this will provide SuDs features that offer multi-functionality and successfully integrating sustainable management of water into the surrounding local landscapes. This demonstrates that we promote communities to be caring and environmentally conscious. This in turn helps to create a tidier, more attractive place for residents, visitors and potential inward investors.

A globally responsible Wales

One of Caerphilly's corporate objectives is to reduce carbon emissions and reduce our contribution to global warming. Multiple biodiversity and a reduction in carbon emissions will be achieved by promoting sustainable development over the long term.

6. EQUALITIES IMPLICATIONS

- 6.1 An EIA screening has been completed in accordance with the Council's Strategic Equality Plan and supplementary guidance. No potential for unlawful discrimination and/or low level or minor negative impact has been identified, therefore a full EIA has not been carried out.

7. FINANCIAL IMPLICATIONS

- 7.1 The current organisational structure does not allow for this statutory function to be undertaken with existing resources.

7.2 The structure required is currently being considered. Initial indications are that there will be a requirement for the following: Principal Engineer, Senior Engineer, Assistant Engineer, Drainage Technician and Trainee Technician. Total cost (including overheads) £199,369.

7.3 The income generation from the SAB is predicted to cover all salary costs and overheads associated with supplying this Statutory Function. In addition there is a potential for further income generation through regional working and collaboration with neighbouring authorities if this was feasible to progress.

Income generation is anticipated at £202,500 consisting of:

350 x £350 = £122,500 (minimum charges) Full Applications

250 x £250 = £62,500 (minimum charge) Pre-SAB Applications

250 x £70 = £17,500 (minimum charge) – Additional fee service charge

These income estimates have been based on the last 2 years' planning applications received by the authority, which had drainage implications.

8. PERSONNEL IMPLICATIONS

8.1 The current organisation does not allow for this statutory function to be undertaken and specialist dedicated expertise would be required to deliver this Service as identified within paragraph 7.2 above.

9. CONSULTATIONS

9.1 All consultees' comments have been incorporated within the report.

10. RECOMMENDATIONS

10.1 Members are requested to consider the requirement to establish the SAB within CCBC along with the additional self-funded posts which will allow CCBC to undertake this statutory function and keep the local engineering knowledge and expertise within CCBC prior to the proposal being presented to Cabinet for approval.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To allow CCBC to meet its statutory requirement under Schedule 3 of the Flood and Water Management Act 2010 to deliver the SAB and achieve multiple benefits including improvements to amenities and biodiversity.

12. STATUTORY POWER

12.1 Flood and Water Management Act 2010.

Author: Michelle Johnson - Senior Engineer

Consultees: Councillor Sean Morgan, Deputy Leader and Cabinet Member for Economy, Infrastructure, Sustainability and Wellbeing and Future Generations Champion
Councillor D T Davies, Chair Regeneration and Environment Scrutiny Committee
Councillor C Forehead, Vice Chair Regeneration and Environment Scrutiny Committee
Christina Harray, Interim Chief Executive
David Street, Corporate Director – Social Services

Mark S Williams, Interim Corporate Director of Communities
Stephen Harris – Interim Head of Corporate Finance
Marcus Lloyd, Acting Head of Engineering Services
Richard Harris, Internal Audit Manager
Richard Crane, Senior Solicitor
Mike Eedy, Finance Manager
Anwen Cullinane, Senior Policy Officer (Equalities & Welsh Language)
Lynne Donovan, Acting Head of Human Resources and Organisational Development
Shaun Watkins, Principal Personnel Officer
Clive Campbell, Transportation Engineering Manager
Kevin Kinsey, Acting Engineering Project Group
Chris Adams, Acting Highway Operations Group Manager
Gareth Richards, Highways Maintenance Manager
Rhodri Powell, Senior Assistant Engineer



CABINET – 25TH APRIL 2018

SUBJECT: 21ST CENTURY SCHOOLS AND EDUCATION BAND B PROPOSALS

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

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- 1.1 The attached report is due to be considered at a special meeting of the Education for Life Scrutiny Committee on 19th April 2018. The recommendations of the Scrutiny Committee will be reported verbally to Cabinet on 25th April 2018.
 - 1.2 Members will be asked to consider the recommendations of the Education for Life Scrutiny Committee.

Author: E. Sullivan, Senior Committee Services Officer, Ext. 4420

Appendices:

Appendix Report to Education for Life Scrutiny on 19th April 2018 - Agenda Item 3



SPECIAL EDUCATION FOR LIFE SCRUTINY COMMITTEE – 19TH APRIL 2018

SUBJECT: 21ST CENTURY SCHOOLS AND EDUCATION BAND B PROPOSALS

REPORT BY: CHIEF EDUCATION OFFICER

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to consult Members on the recommendations of the Cross Party Working Group in relation to the proposals contained in the 21st Century Schools and Education Band B Programme which is due to be considered by Cabinet on 25th April 2018.

2. SUMMARY

- 2.1 The Welsh Government (WG) 21st Century Schools and Education Programme required all Local Authorities to submit Band B Strategic Outline Programmes (SOP) for consideration by 31/07/17.
- 2.2 Due to the tight timescale stipulated by WG it was not possible to obtain Member approval prior to the submission of the SOP. However the proposals were endorsed by the School Strategy Board and discussed in detail with Cabinet Member. It was made clear to WG that the submission had yet to receive Member approval, and could be subject to change.
- 2.3 The report summarises the deliberations and recommendation of the Cross Party Working Group with regard to the individual projects outlined in the Council's SOP submission to Welsh Government.

3. LINKS TO STRATEGY

- 3.1 The Strategic Outline Programme contributes to the Well-being Goals within the Well-being of Future Generations Act (Wales) 2015. In particular, as follows:
- **A prosperous Wales** – By providing fit for purpose schools in order to support the development of a skilled and well educated population, which provides employment opportunities which will equip our learners in securing appropriate employment. Through better education and providing skills for life we can help to break the cycle of disadvantage and inequality over the longer term.
 - **A resilient Wales** – By developing an eco friendly school environment to provide a better sustainable environment for future generations.
 - **A healthier Wales** – By providing community schools that can be used to provide health, physical and community services, as well as promoting healthy lifestyle choices amongst pupils, parents and child care providers. Education is our greatest long term lever for improving the life chances of our learners. Ensuring young people have the environments to allow them to develop healthy behaviours through their informative years.

- **A more equal Wales** – By ensuring our learners fulfil their potential irrespective of backgrounds. Underpinning all of our work is a belief that someone’s ability to benefit from education should not be determined by where they live. We will continue our drive to reduce inequalities and remove barriers to Education.
- **A Wales of cohesive communities** – By encouraging stakeholders to contribute to project planning and direction by a thorough and comprehensive consultation process. This will include working in partnership with schools, childcare providers and partners in the private childcare sector. Also working with providers of post 16 provision to ensure that we are able to develop economic, effective and sustainable future provision.
- **A Wales of vibrant culture and thriving Welsh language** – By ensuring there are 21st Century sports facilities within our schools for both Community and school use. The programme is a key aspect of the corporate Welsh Education Strategic Plan (WESP) in ensuring there are sufficient Welsh Medium school places to support the challenging target of 1 million Welsh speakers in Wales by 2050.
- **A globally responsible Wales** – By contributing to the continued improvement of the Economic, Social, Environment and Cultural Well-Being of the Borough.

4. THE REPORT

- 4.1 The 21st Century Schools and Education Programme is regarded as a major, long term and strategic capital investment programme supporting large scale capital building projects across Wales with the aim of enhancing school buildings to meet 21st Century Educational and Community needs.
- 4.2 The Programme focuses resources on the right school, in the right place, from early years through to post-16, with funding jointly provided by WG and Local Authorities.
- 4.3 The key aims of the 21st Century Schools and Education Band B investment programme, outlined by WG, is to:
- Reduce the number of poor condition schools.
 - Ensure that we have the right size schools in the right location, providing enough places to deliver Welsh and English medium education.
 - Ensure the effective and efficient use of the educational estate for use by both Schools and the wider Community.
- 4.4 The school condition surveys, undertaken in 2014, classified schools in categories A to D (A being the best condition and D being the worst condition). The surveys did not identify any condition category D schools within Caerphilly; however there are 53 category C condition schools, 16 of which are also category C for suitability. Any significant changes to school buildings since 2014 i.e. new builds have been taken into account within this categorisation.
- 4.5 The projects, outlined below, will significantly reduce both backlog maintenance and on-going energy costs.
- 4.6 WG have indicated that they may also take into account other factors such as flexibility of assets, efficiency of the education estate and deprivation when prioritising projects.
- 4.7 In addition to meeting the key aims of the investment programme, as identified in 4.3 above, the Council’s SOP submission also gave consideration to the following local priorities:
- Increase in the need for Education Other Than At School provision (EOTAS).
 - Meeting the requirements of the Welsh in Education Strategic Plan (WESP).
 - Increase in Special School demand and impact of Additional Learning Needs (ALN) Reform Bill.
 - Future housing developments and the potential impact on school places in accordance with the Local Development Plan (LDP).

- 4.8 All projects, at developmental stage, will also include a needs assessment of current child provision within the area. If need can be evidenced a bid to WG for Child Care capital funding (100% grant funding) will also be made.
- 4.9 The value of the programme submitted by Caerphilly was £78 million of capital funding (50% to be met by the Council) and £32million of revenue funding via the Municipal Investment Model (MIM- 25% to be met by the Council). Welsh Government has subsequently confirmed approval in principle of the programme envelope for this sum, subject to the approval of individual project business cases.
- 4.10 Following agreement by Scrutiny on 26/09/17 a Cross Party Working Group of 10 members was established to discuss the proposals. The group met on 10/11/17 and 26/11/17 and discussed and subsequently endorsed unanimously the individual projects contained within the SOP submission, outlined below. The attached Appendix 2 shows in red the schemes undertaken as part of the Band A 21st Century School and Education programme and in black those proposed within the Band B SOP over the period 2019 to 2026.

4.11.1 **Project 1 - £4,884,700**

- New build school to replace the existing Upper Rhymney Primary School.
- Relocation of Brynawel Primary School pupils to the new Upper Rhymney Primary or Idris Davies 3-18 School.
- Relocation of Ysgol Y Lawnt to the vacant Brynawel Primary School.

Benefits

- Targets an area of very high social deprivation.
- Removal of 2 Category C schools in relation to both condition and suitability.
- Creation of fit for purpose energy efficient 21st Century schools.
- Significant reduction of surplus places.
- Estimated saving of £589K on backlog maintenance costs.
- Increased opportunities for community use and on-site childcare provision.
- Expansion of Welsh Medium Education.

Group discussion

The group gave consideration to possible sites for the new Upper Rhymney Primary School. They discussed the issues relating to the relocation of the Brynawel Primary School pupils between the two schools and the possibility of a catchment area review. After a detailed discussion regarding each of the individual proposals, the group unanimously supported the project.

4.11.2 **Project 2 - £13,660,965**

- New build school to replace the existing Tynywern Primary School on the Bedwas High School site.
- Refurbishment of the existing Tynywern Primary School site to create a new Welsh Medium Primary School.
- New build school to replace the existing Ysgol Cwm Gwyddon on the ex Cwmcarn High site following closure.

Benefits

- Removal of 2 Category C schools in relation to condition.
- Increase in Welsh Medium provision in areas of need, as identified in the Authority's Welsh Education Strategic Plan.
- Creation of fit for purpose, energy efficient 21st Century schools.

- Reduction of surplus places in secondary provision.
- Estimated saving of £654K on backlog maintenance costs.
- Increased opportunities for community use and on-site childcare provision.

Group discussion

The group discussed the requirements of the WESP and the expectation placed on LA's to increase the number of Welsh Medium Provision places. The group gave consideration to the refurbishment of the existing Tynywern Primary School site. The group unanimously supported the project.

4.11.3 Project 3 - £11,021,525

- New build school to replace the existing Plasyfelin School on the current school site.
- Expansion of St James Primary School.

Benefits

- Increasing the number of school places within the Caerphilly Basin to meet future projected demand.
- Removal of 1 category C school in relation to condition and suitability.
- Creation of fit for purpose, energy efficient 21st Century school.
- Estimated saving of £705K on backlog maintenance costs.
- Increased opportunities for community use and on-site childcare provision.

Group discussion

The group discussed the situation regarding the possible housing developments and agreed that the size and requirements of the both the new school and extension would be dependent on future developments within the area. The group agreed to unanimously support the project.

4.11.4 Project 4 – £5,000,000

- Expansion of Trinity Fields Special School and Resource Base to accommodate future demand and requirements of Additional Learning Needs Reform Bill.

Benefits

- Increasing Specialist Educational provision within Caerphilly to meet identified and projected future demand.
- Will support the Authority in meeting the Legislative Requirements of the new ALN Reform Bill.
- If demand is not met within the Authority this will result in increased cost longer term in sourcing out of county provision.
- Increased opportunities for community use and on-site childcare provision.

Group discussion

The group discussed the implications of the ALN Reform Bill and the rising cost of sourcing out of County provision. The group gave consideration to the proposal and unanimously supported the project.

4.11.5 Project 5 - £1,000,000

- Creation of a new Pupil Referral Unit (PRU) to cater for the increased demand for in-house Education Other Than at School provision (EOTAS).

Benefits

- Increasing EOTAS provision within Caerphilly to meet identified and projected future demand.
- Will support the Authority in meeting the Legislative Requirements of the new ALN Reform Bill.
- If demand is not met within the Authority this will result in increased cost longer term in sourcing external EOTAS provision through private providers.
- Ensuring quality of provision.

Group discussion

The group was advised on the implications and cost of EOTAS placements. A discussion took place with regard to the ALN Reform Bill and the statutory obligations it places on Authorities. Based on the additional information that arose via the discussion the group unanimously supported the project.

4.11.6 Project 6 - £33,000,000

- £23M refurbishment of Secondary schools.
- £10M refurbishment of Primary schools.
- The individual schools and the extent of the works will be determined using the 2018/19 condition surveys.

Benefits

- Upgrade of Secondary provision, including internal refurbishments, i.e. laboratory, catering, etc.
- Improvements in sporting facilities on site, if required.
- Improvement in the condition of Primary schools.
- Significant savings on backlog maintenance and on-going energy costs.
- Increased opportunities for community use and on-site childcare provision.

Group discussion

The group were advised that the schools are yet to be identified as they could change following the outcome of the new condition surveys. Discussions took place with regard to the type of refurbishment that would be undertaken. Officers advised Members that they were planning to visit schools in neighbouring Authorities that had recently undergone extensive works with pupils in situ. The group unanimously supported the project.

4.11.7 Project 7 – £5,893,390

- Amalgamation of Park and Gilfach Fargoed Primary Schools into a new build school.
- Refurbishment of Park Primary School to accommodate the relocation of Ysgol Gymraeg Gilfach Fargoed.

Benefits

- Targets an area of high social deprivation.
- Removal of 2 Category C schools in relation to condition.
- Creation of fit for purpose, energy efficient 21st Century schools.
- Significant reduction of surplus places.
- Estimated saving of £374K on backlog maintenance costs.
- Increased opportunities for community use and on-site childcare provision.
- Expansion of Welsh Medium Education.

Group discussion

The group were advised that at present both Park and Gilfach Fargoed Primary Schools are managed by the same Headteacher and had established a good working relationship. A discussion took place with regard to the current suitability of the schools and the position of the proposed site for the new school. The group unanimously supported the project.

4.11.8 Project 8 - £4,000,000

- Amalgamation of Llanfabon Infants School and Llancaeath Junior School.
- Expansion and refurbishment of Llanfabon Infants School to accommodate the new Primary School.

Benefits

- Targets an area of high social deprivation.
- Removal of 2 Category C schools in relation to condition.
- Creation of 3-11 primary provision.
- Creation of fit for purpose, energy efficient 21st Century school.
- Reduction of surplus places.
- Estimated saving of £659K on backlog maintenance costs.
- Increased opportunities for community use and on-site childcare provision.

Group discussion

The group asked for additional information regarding both sites and in particular the future use of the Llancaeath School Site. The group unanimously supported the project.

4.11.9 Project 9 – Secondary Municipal Investment Model (MIM) - £28,000,000 – £32,000,000

The size and nature of this project will be determined by a comprehensive review and consultation exercise in relation to the following areas:

- Sixth form education.
- Single Sex provision.
- Surplus Places within Caerphilly West.

It is anticipated that the review will be complete early in the Spring term 2019 where recommendations will be presented to Cabinet for determination prior to proceeding to formal consultation.

Group discussion

The group recognised the complications surrounding this project. Officers discussed the issues schools are currently facing regarding the viability of their 6th Forms and surplus places. They were also advised that we are the now the only Welsh Authority that still has single sex schools. At this stage the group agreed that whilst they were in support of the review and the MIM scheme, they would expect the outcome of the review to be reported to Members before progressing to formal consultation. Officers confirmed that a full report and recommendations resulting from the review would need to be submitted to Members before progressing to consultation.

- 4.12 The 21st Century Band B Programme is due to run from April 2019 to March 2026. It is anticipated that cost will be incurred prior to April 2019 in respect of design, scoping and surveying of school sites, etc. WG have indicated that, subject to business case approval, Authorities would be able to access 50% match funding prior to the 2019 commencement date.

- 4.13 A detailed plan identifying proposed timescales for each project over the 7 year period is being developed to assist officers in ensuring all statutory consultation obligations can be met and build timescales are achievable. It is anticipated, subject to Cabinet approval of the proposals, that this will be presented to Members in the Autumn term.
- 4.14 The School Organisation Code stipulates the requirements on Local Authorities to undertake a thorough consultation process with all relevant stakeholders for each project, with the exception of refurbishment projects. This will include details of proposed safe walking routes to schools where appropriate. Detailed reports will be provided to Scrutiny and Cabinet throughout the process.
- 4.15 The successful delivery of the projects will be dependent on a number of key factors
- **Public and Member support** – The Council will be required to undertake full consultation in line with the WG School Organisation Code. Stakeholder engagement groups will need to be established to ensure effective forms of communication that will be clear and transparent.
 - **Business Cases approval** – Officers will work closely with WG to ensure robust business cases are submitted for each project. The business cases will be closely scrutinised by the Schools Strategy Board prior to submission.
 - **Match funding** – Officers will work closely with the S151 officer, Corporate Finance Team and School Strategy Board on the strategic financial planning of the proposals within Band B to ensure affordability within the Medium Term Financial Plan of the Authority.
 - **Project costs held within budget** – It is essential for all abnormal costs to be evidenced at business case stage. All Band A projects have come in under budget albeit these project costs were not dictated by BB98/99 funding levels.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This proposal contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that:
- **Long Term** - Forecasting of pupil numbers has been utilised to identify the demand for school places to ensure sufficient Educational places in our schools. This information has been used to prioritise schools within the SOP.
 - **Prevention** - Improving the quality of the Education estate generally will support pupils in their long term education and skills outcome in that they are more likely to succeed if their Educational experience is positive.
 - **Integration** - The 21st Century Schools Programme is subject to BREEAM and Community Benefits of individual proposals are assessed and monitored for their impact on the Welsh economy. The proposals are also part of a strategy to promote Welsh Language and Culture.
 - **Collaboration** – The 21st Century Schools Programme is collaboration between the Council and Welsh Government to improve the quality of the Education estate.
 - **Involvement** – Through the consultation process the Council will ensure that there is full engagement with all relevant stakeholders, e.g. parents, pupils and the local community.

6. EQUALITIES IMPLICATIONS

- 6.1 All relevant Equality Impact Assessments for individual projects will be undertaken prior to moving to consultation stage and will be made available to any persons who wish to receive copies.

7. FINANCIAL IMPLICATIONS

- 7.1 The projects identified within the SOP will significantly reduce backlog maintenance costs, running costs and surplus places.
- 7.2 WG have approved a maximum “funding envelope” of £78 million of capital funding (50% to be met by the Council) and £32million of revenue funding via the MIM scheme (25% to be met by the Council).
- 7.3 The MIM model uses a “Bidder Model” to calculate the Council’s annual 25 year investment to the project. However there are additional capital costs in relation to:
- Pre contract signature costs, including procurement and specialist consultant costs.
 - Land purchase.
 - Legal searches.
 - Survey costs including all specialist surveys for example, acoustics, environmental, ecological, ground condition.
 - Outline planning costs.
 - Authority project team costs.

The successful contractor will also provide maintenance and lifecycle services for the facilities in the long term.

- 7.4 It is important to stress that the model is not a Private Finance Initiative (PFI) agreement, as the only school services that will be provided under the MIM contract will be building maintenance. Other school contracts, such as catering, cleaning, grounds, ICT, etc., will be provided by organisations determined by the Governing Body.
- 7.5 The 21st Century Schools and Education Band B funding for individual projects is now calculated by WG using the recommended size of a school, contained within the BB98/99 Building Bulletin, and an agreed rate per square metre/pupil at the 2019 predicted costs. (Appendix 1). This ensures that funding is applied consistently across Wales. There are a number of different elements to this calculation including:
- Proposed standard price per square metre.
 - Furniture fitting and equipment per pupil.
 - ICT per pupil.
- 7.6 Initial projections indicate that the following capital requirements (excluding MIM) will need to be met by the Council over an eight year period to deliver each of the capital projects identified above.

2018/19 - £697K
2019/20 - £1.170M
2020/21 - £3.704M
2021/22 - £8.471M
2022/23 - £8.559M
2023/24 - £6.430M
2024/25 - £6.464M
2025/26 - £3.761M

The above does not give consideration to any “abnormal” costs, i.e. contamination, gradient and flood risk. Any additional costs would need to be evidenced and considered separately at the WG Business Case stage.

- 7.7 The annual revenue contribution for the MIM scheme (25 years), is currently projected at £716K per annum with a one off capital requirement of £960K for those items highlighted in 7.3 above.

7.8 It is envisaged that the Council's match funding of the grant investment will take the form of a combination of:

- The use of General Fund Reserves (whenever possible).
- Capital Earmarked Reserves.
- Capital Receipts.

7.9 A report will be prepared for Cabinet during the Spring identifying any unallocated sums held in Capital Earmarked Reserves that could also be allocated to the Band B projects. It is anticipated, subject to Cabinet approval, that the reserves will be sufficient to fund the first 3 years of the programme, i.e. (2018/19 to 2020/21).

7.10 Consideration will also need to be given to earmarking future capital receipts to fund the projects from 2021 on. If there is a shortfall consideration will also need to be given to the use of prudential borrowing to meet any shortfalls and the revenue implications of this will need to be reported in the Medium Term Financial Plan.

8. PERSONNEL IMPLICATIONS

8.1 This will be dependent on specific proposals and will be considered as part of the consultation process as required under the School Organisation Code 2013.

9. CONSULTATIONS

9.1 As detailed below. All comments received have been reflected in the report.

10. RECOMMENDATIONS

10.1 Members are asked to consider the report and make any recommendations to Cabinet as part of the consultation process.

10.2 Members are also asked to consider that the report to Cabinet will propose in principle agreement that the Council will deliver the Band B 21st Century Schools Programme, subject to funding being confirmed for individual projects, business cases being approved by WG and the outcome of individual consultations.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To inform Members of the schemes that have been prioritised for investment under the Band B phase of the 21st Century Programme and the feedback from the Cross Party Working Group.

12. STATUTORY POWER

12.1 School Organisation Code 2013 (Welsh Government).
School Standards & Organisation (Wales) Act 2013.

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Richard Harris, Internal Audit Manager and Acting Deputy Monitoring Officer
Lisa Lane, Interim Monitoring Officer
Ros Roberts, Performance Manager
Mark Williams, Interim Head of Property Services
Steve Pugh, Corporate Communications Manager

Background Papers: Strategic Outline Programme submission to Welsh Government July 2017
Minutes of Cross Party Working Groups
Report to Scrutiny 26/09/17 – 21st Century Schools Band B Proposals.

Appendices:

Appendix 1: Building Bulletin Regulations 98/99

Appendix 2: Map outlining Band A schemes and B and B proposals

Size and Cost Standards for new build schools under the 21st Century Schools and Education Programme

1. Size

To ensure that funds are distributed fairly and that our schools offer a consistent standard across Wales, we advise that schools are designed according to the maximum of BB98 (secondary) and BB99 (primary).

Table 1 below provides the minimum and maximum size ranges specified within each bulletin.

Table 1

Primary Schools	Nursery (FTE)	Size of School	BB98/99 Max	m ² per Pupil /Max
210		1 form entry	1,306	6.2
210	15	1 form entry with nursery	1,364	6.1
315		1.5 form entry	1,778	5.6
420		2 form entry	2,250	5.4
420	30	2 form entry with nursery	2,385	5.3
630		3 form entry	3,194	5.1
630	45	3 form entry with nursery	3,397	5.1
Secondary Schools	Sixth Form			
600	200	4 FE plus 200 sixth form	8,062	10.1
900	100	5 FE plus 100 sixth form	9,280	9.3
1050	150	7 FE plus 150 sixth form	10,716	8.9
1350	150	9 FE plus 150 sixth form	12,760	8.5
1500	200	10 FE plus 200 sixth form	14,196	8.4
600	0	4 form entry (FE)	5,974	9.9
900	0	5 FE	8,019	8.9
1050	0	7 FE	9,041	8.6
1350	0	9 FE	11,085	8.2
1500	0	10 FE	12,108	8.1

2. Cost

Once the size of school is established, standardised costs are to be applied to as many of the elements of the build as possible. This will result in a maximum value for a school that can be benchmarked and inflated year on year to provide a maximum funding envelope.

There are a number of different elements to this:

- Proposed standard price per m²
- Furniture, fitting and equipment
- ICT

2.1 Cost per m²

Using construction price indices, the cost per m² will be fixed at £1,400 m² from 2016 and increased with inflation to £1,554 in 2019 (this includes both standardised and bespoke builds). Inflation will be calculated on an annual basis in April using the BCIS all-in tender index.

With regards to sub structure, externals and design costs, the cost for 2019 is £1,221, giving an all in construction cost of £2,500 in 2016 and £2,775 for the start of Band B in 2019.

The impact of application of this cost per m² when combined with the maximum of BB98/99 is as follows:

Table 2

Primary Schools	Nursery (FTE)	Size of School	BB98/99 Max	2016 £2,500 Per m ²	2019 Predicted £2,775 Per m ²
210		1 form entry	1,306	3,265,000	3,624,150
210	15	1 form entry with nursery	1,364	3,410,000	3,785,100
315		1.5 form entry	1,778	4,445,000	4,933,950
420		2 form entry	2,250	5,625,000	6,243,750
420	30	2 form entry with nursery	2,385	5,962,500	6,618,375
630		3 form entry	3,194	7,985,000	8,863,350
630	45	3 form entry with nursery	3,397	8,492,500	9,426,675
Secondary Schools	Sixth Form				
600	200	4 FE plus 200 sixth form	8,062	20,155,000	22,372,050
900	100	5 FE plus 100 sixth form	9,280	23,200,000	25,752,000
1050	150	7 FE plus 150 sixth form	10,716	26,790,000	29,736,900
1350	150	9 FE plus 150 sixth form	12,760	31,900,000	35,409,000
1500	200	10 FE plus 200 sixth form	14,196	35,490,000	39,393,900
600	0	4 form entry (FE)	5,974	14,935,000	16,577,850
900	0	5 FE	8,019	20,047,500	22,252,725
1050	0	7 FE	9,041	22,602,500	25,088,775
1350	0	9 FE	11,085	27,712,500	30,760,875
1500	0	10 FE	12,108	30,270,000	33,599,700

In practice, where a project exceeds this value, the Welsh Government grant would be capped at the threshold indicated above.

This threshold applies to:

- Standard costs incurred –abnormal costs associated with gradient, contamination, flood etc. would be considered separately.
- Projects within the Programme that are still at Strategic Outline Case stage.

2.2 Furniture, Fittings and Equipment / Information Technology

Furniture, fittings and equipment typically includes the following:

- Tables and chairs;
- Science lab fit out;
- Domestic science fit out;
- School kitchens / canteens.

It excludes portable equipment such as Bunsen burners, test tubes, saucepans etc.

IT Equipment is expected to include fitting out the school to sockets and could include some basic classroom equipment, such as an interactive white board.

Current assumptions in respect of reasonable costs per pupil for IT and furniture, fittings and equipment are as follows:

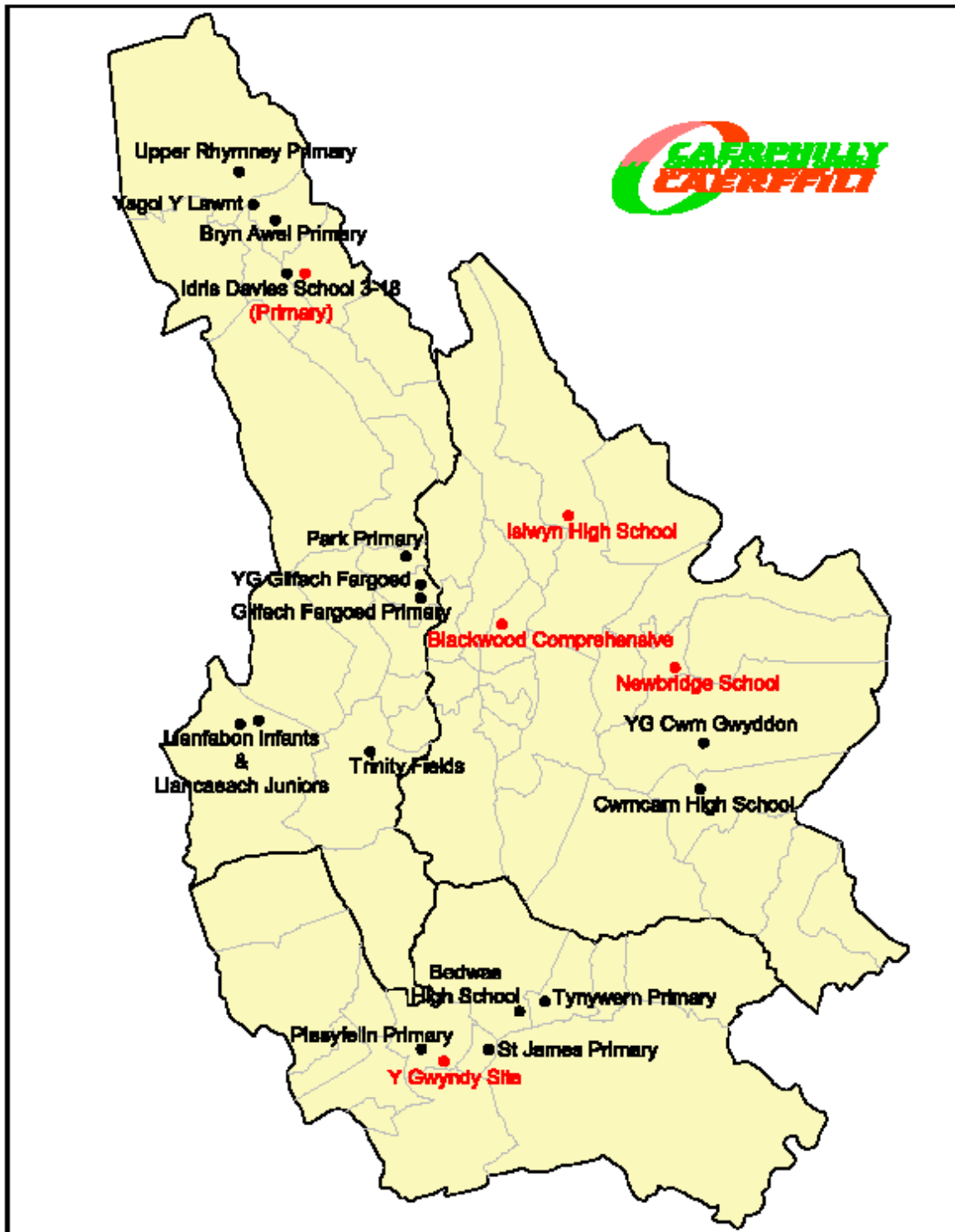
	2016	2019
IT Per Pupil	£500	£555
Furniture, Fittings and Equipment Per Pupil	£1,100	£1,221

Table 3 below shows this in terms of cost per school.

Table 3						Predicted Costs		
						2019 £2,775 Per m ²	2019 £1,776 FFE/IT Per Pupil	2019 Total
Primary Schools	Nursery (FTE)	Size of School	2016 £2,500 Per m ²	2016 £1,600 FFE/IT Per pupil	2016 Total			
210		1 form entry	3,265,000	336,000	3,601,000	3,624,150	372,960	3,997,110
210	15	1 form entry with nursery	3,410,000	360,000	3,770,000	3,785,100	399,600	4,184,700
315		1.5 form entry	4,445,000	504,000	4,949,000	4,933,950	559,440	5,493,390
420		2 form entry	5,625,000	672,000	6,297,000	6,243,750	745,920	6,989,670
420	30	2 form entry with nursery	5,962,500	720,000	6,682,500	6,618,375	799,200	7,417,575
630		3 form entry	7,985,000	1,008,000	8,993,000	8,863,350	1,118,880	9,982,230
630	45	3 form entry with nursery	8,492,500	1,080,000	9,572,500	9,426,675	1,198,800	10,625,475
Secondary Schools	Sixth Form							
600	200	4 FE plus 200 sixth form	20,155,000	1,280,000	21,435,000	22,372,050	1,420,800	23,792,850
900	100	5 FE plus 100 sixth form	23,200,000	1,600,000	24,800,000	25,752,000	1,776,000	27,528,000
1050	150	7 FE plus 150 sixth form	26,790,000	1,920,000	28,710,000	29,736,900	2,131,200	31,868,100
1350	150	9 FE plus 150 sixth form	31,900,000	2,400,000	34,300,000	35,409,000	2,664,000	38,073,000
1500	200	10 FE plus 200 sixth form	35,490,000	2,720,000	38,210,000	39,393,900	3,019,200	42,413,100
600	0	4 form entry (FE)	14,935,000	960,000	15,895,000	16,577,850	1,065,600	17,643,450
900	0	5 FE	20,047,500	1,440,000	21,487,500	22,252,725	1,598,400	23,851,125
1050	0	7 FE	22,602,500	1,680,000	24,282,500	25,088,775	1,864,800	26,953,575
1350	0	9 FE	27,712,500	2,160,000	29,872,500	30,760,875	2,397,600	33,158,475
1500	0	10 FE	30,270,000	2,400,000	32,670,000	33,599,700	2,664,000	36,263,700

At present, further work is being carried out to establish what the minimum level of IT requirement is for a school. This will be based on considerations including the Digital Competence Framework. Until this piece of work is complete, we will use the existing methodology.

21st Century Schools and Education Band A Schemes and Band B Proposals



Red = Band A Schemes

Black = Band B Proposal

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