



# DECISION OF THE EXECUTIVE MAYOR

Friday, 26th August, 2016

at

Hackney Town Hall - Town Hall

**Tim Shields**  
Chief Executive

Contact:  
Governance Services

The press and public are welcome to attend this meeting

# AGENDA

Friday, 26th August, 2016

## ORDER OF BUSINESS

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1	CARDINAL POLE SCHOOL EXTENSION-THE USE OF THE LONDON HOUSING CONSORTIUM (LHC) FRAMEWORK FOR THE DELIVERY OF EDUCATION CAPITAL WORKS AND THE CARDINAL POLE 6TH FORM EXTENSION	1 - 16

## Access and Information

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**Buses** 30, 48, 55, 106, 236, 254, 277, 394, D6 and W15.

### Facilities

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- Mayor of Hackney
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- MPs, MEPs and GLA
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- Executive Meetings and Key Decisions Notice
- Register to Vote
- Introduction to the Council
- Council Departments

## DEMOCRATIC PROCESS

### Representation

Contact details for all Councillors are available on the website or by calling 020 8356 3207.

Ward Councillors may be contacted at their surgeries or through the Members' Room at the Town Hall (020 8356 3207).

You may also write to any Councillor or a member of the Cabinet c/o Hackney Town Hall, Mare Street, London E8 1EA.

### Scrutiny Procedures

Details are listed in Part 4 of the Council's constitution, see the website for more details or contact the Head of Overview and Scrutiny on 020 8356 3029

### Executive Meetings and Key Decisions Notice

The procedure for taking Key Decisions is listed in Part 4 of the Council's Constitution, available on the website.

The Executive Meetings and Key Decisions Notice showing Key Decisions to be taken is available on the Council's website and at the Town Hall.

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Hackney Council's Code of Conduct applies to **all** Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- The Corporate Director of Legal, HR and Regulatory Services;
- The Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

### 1. Do you have a disclosable pecuniary interest in any matter on the agenda or which is being considered at the meeting?

You will have a disclosable pecuniary interest in a matter if it:

- relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

### 2. If you have a disclosable pecuniary interest in an item on the agenda you must:

- Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- You must leave the room when the item in which you have an interest is being discussed. You cannot stay in the meeting room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the room and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.

### 3. Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

### 4. If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the room, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the room unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the room. Once you have finished making your representation, you must leave the room whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the room. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

### Further Information

Advice can be obtained from Gifty Edila, Corporate Director Legal, HR and Regulatory Services, on 020 8356 3265 or email [Gifty.Edila@hackney.gov.uk](mailto:Gifty.Edila@hackney.gov.uk)



FS 566728



**CARDINAL POLE SCHOOL EXTENSION – THE USE OF THE LONDON HOUSING CONSORTIUM (LHC) FRAMEWORK FOR THE DELIVERY OF EDUCATION CAPITAL WORKS AND THE CARDINAL POLE 6<sup>TH</sup> FORM EXTENSION**

**CONTRACT APPROVAL**

**Key Decision No.**

<p><b>DEPUTY MAYOR’S DECISION</b></p> <p><b>26 AUGUST 2016</b></p>	<p><b>CLASSIFICATION:</b></p> <p><b>Open</b></p> <p>If exempt, the reason will be listed in the main body of this report.</p>
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<p><b>WARD(S) AFFECTED</b></p> <p><b>All Wards</b></p>
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<p><b>CABINET MEMBER</b></p> <p><b>Cllr Bramble</b></p> <p><b>Children's Services</b></p>
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<p><b>KEY DECISION</b></p> <p><b>Yes</b></p> <p><b>REASON</b></p> <p><b>Affects Two or More Wards</b></p>
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<p><b>GROUP DIRECTOR</b></p> <p><b>Ian Williams, Group Director Finance and Corporate Resources</b></p>
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## **1. CABINET MEMBER'S INTRODUCTION**

- 1.1 This report sets out recommendations to support the contractual engagement with Willmott Dixon to deliver a new building extension on behalf of the Cardinal Pole School.
- 1.2 The existing building was commissioned and handed over to the Cardinal Pole School in September 2010. The school is a 6 Forms of Entry Secondary School providing education to pupils from all Wards.  
The scheme will deliver a single 577m<sup>2</sup> block extension at the rear of the existing school above the current carpark.  
The intention for the new building is that it will improve curriculum delivery on site through the consolidation of the existing (three) library spaces into a single large library, the building of four new classrooms to be allocated between two new sixth form teaching spaces and two new inclusion spaces. The works are funded by the London Diocese who have sought the support of the LBH Schools Capital Team to deliver the scheme.

## **2. GROUP DIRECTOR'S INTRODUCTION**

- 2.1 The Authority is a consortium member of the London Housing Consortium (LHC) Framework. This framework includes a Capital Works Education Construction supplier list, which has been procured in accordance with OJEU procurement requirements.
- 2.2 This report follows on from the earlier approval by CPC on 14<sup>th</sup> July 15 for the use of the LHC Framework as a procurement vehicle to obtain a costed construction proposal.
- 2.3 Following this earlier approval (14<sup>th</sup> July 15), and the successful progress of the designs and commercial negotiations; the Authority now seeks to enter into contract for the delivery of the construction scheme for works valued at £2.83 million (+VAT).
- 2.4 This report now seeks approval for the team to proceed with the works to deliver the project.
- 2.5 I endorse the recommendations of this report.

## **3. RECOMMENDATION(S)**

**CPC (The Chief Executive and Deputy Mayor) are asked to agree the following recommendations:**

- 3.1 **To approve the award of the Building Construction Contract to Willmott Dixon Construction Ltd for the construction of the new Cardinal Pole School Extension project as follows:-**
  - a) **To authorise the Education Property Team to enter into a JCT Intermediate Building with Contractors Design 2011 contract for the**



construction of an extension at Cardinal Pole School for a new three floor building (circa 577m<sup>2</sup> in size) a cost of £2.83 million (+VAT).

- b) To authorise the Director of Legal to agree and enter into legal documentation relating to the Design and Build Contract for the new Cardinal Pole 6<sup>th</sup> Form Extension and any ancillary legal documentation relating thereto with the delivery of this scheme.
- c) To authorise the Group Director of Finance and Corporate Resources to make the necessary financial agreements to approve Financial Close for the delivery of the new Cardinal Pole 6<sup>th</sup> Form Extension.

**3.2 To note Cardinal Pole School (the funders) have provided written confirmation for £2.83 million (+VAT) expenditure on the scheme. (Appendix A)**

#### **4. RELATED DECISIONS**

- 4.1 Cabinet Report for the Capital Programme - Funding and Investment Strategy for the Schools Estate. July 2014.
- 4.2 Delegated Authority Report for the Use of the New Education Funding Agency Regional Framework for the Delivery of Education Capital Works and the Cardinal Pole School 6<sup>th</sup> Form Extension July 2015.
- 4.3 Cabinet Report 14<sup>th</sup> July 2015 approving the use of the LHC framework to develop the design and commercial offer, and reserving the items described in the recommendations section of this paper as reserve matters for future approval.

#### **5. REASONS FOR DECISION**

- i. Willmott Dixon has responded to an open ITT and expressed interest in delivering the works. Willmott Dixon have progressed planning and design to a successful outcome. Willmott Dixon has offered a scheme that is affordable. The School is satisfied with Willmott Dixon offer.
- ii. The reason for the decision sought: to enable the Council to contract for the works with Willmott Dixon that will give sufficient time to build the new extension to the school in time for Sept 2017.
- iii. The expected deliverable from this project is the delivery of a 577 square meter extension to the existing Cardinal Pole School. This building will form part of the schools teaching space from Sept 2017; to include a new large library, two new classrooms for included pupils, and two new classrooms for the sixth-form curriculum delivery.

#### **5.1 ALTERNATIVE OPTIONS (CONSIDERED AND REJECTED)**

The use of the LEP Local Education Partnership model to deliver the scheme was considered, explored, and subsequently rejected.

The LEP Project Management model is geared towards the development and management of larger schemes (£10 million+). Therein, the fixed costs of the LEP Project Management and the associated design costs were disproportionately high on this single small project.

The EFA Education Framework was also explored with support from the EFA Procurement Team. ITT was issued to this framework. All of the contractors on the EFA framework declined the opportunity to tender.

The LHC London Housing Consortium Framework was also considered. With support from the LHC Procurement Officers an ITT was issued to the LHC Framework.

This paper is based upon the successful outcome of engaging with the LHC framework.

## **6. PROJECT PROGRESS**

### **6.1 Developments since the Business Case approval. (14<sup>th</sup> July 15).**

6.1.1 Cardinal Pole 6<sup>th</sup> Form Extension (based at Morning Lane, Hackney) will deliver a small (577m<sup>2</sup>) extension to house their two new 6<sup>th</sup> Form teaching spaces, a large library and two rooms for inclusion space.

Over the last twelve months LBH Schools Capital team, the appointed Architect, and Willmott Dixon have worked with the School to describe and capture the aspirations for the building design.

These designs have been:

- 1) agreed,
- 2) costed,
- 3) endorsed by the School,
- 4) approved, and received planning permission.

This accommodation will complement the existing sixth-form provision and deliver an inclusion space for existing pupils who are otherwise educated offsite. This accommodation will also support the intention of the school to provide Level 2 qualifications post 16 to support progress opportunities for a group of children who currently leave the sector to take level 2 qualifications elsewhere.

The extension will provide a new inclusion space for pupils on a managed curriculum.

The extension will consolidate the existing three library spaces into one centralised resource.

6.1.2 Approval by planning for the proposed Scheme (attached as Appendix B) was granted on the 16<sup>th</sup> July 2016.

6.1.3 Willmott Dixon has provided an affordable priced proposal for the delivery of the works, and the School has confirmed its commitment to this cost.

6.1.4 The Cardinal Pole 6<sup>th</sup> Form Extension will be funded by the School, utilising funding agreed by its Governing Body. The Council has written instruction from Cardinal Pole confirming this to be the case. Further written confirmation of this arrangement is confirmed in Appendix A.

6.1.5 As approved in the previous 14<sup>th</sup> July 2015 CPC paper; the LHC framework and process to date has utilised a two stage tender process, whereby the Authority entered into a Stage 1 Pre-construction services agreement (PCSA) with Willmott Dixon, at a cost of £253,000, to develop the project to a level of design suitable for planning submission against its' tendered rates. Thereafter, and having concluded these designs, the Authority is now seeking to enter into Stage 2 which will see the appointment of the Constructor to deliver the agreed works (the building of the extension) via:

- A) Formal (JCT) contract for build scheduled to be agreed in Sept 2016.
- B) Site start for construction in Oct 2016 with handover of new building for Sept 2017.

6.1.6 These recommendations are further supported by the following considerations:

- i. there is an extremely tight construction deadline to be met,
- ii. the Council has successfully delivered scheme(s) with this Contractor on a previous occasion,
- iii. the proposal meets the needs of the School to provide this increase in curriculum area for the Sept 2017 cohort.

6.1.7 Urgency – As previously described, in the paper of the 14<sup>th</sup> July 2015, the progress to date of the project has been hampered by a lack of market interest. Every aborted attempt to bring the project to the market has eroded the time available to deliver the School's need for the new teaching space. The lack of market interest has prevented this report from being presented on a prior occasion. This proposal represents the last option to deliver the curriculum requirements in time for Sept 2017.

## **6.2 Whole Life Costing/Budgets:**

6.2.1 The cost of the project is £2.83 million. The scheme is fully funded by the School (please see Appendix A). Lifecycle costs have been factored into the subsequent management of the scheme and these will be met directly by the School.

## **6.3 SAVINGS**

Cashable savings may not be recognised. However, the use of an established Framework's rates fixes the elements identified at paragraph 6.2.3 of this report, such that this will decrease the risk of increased prices due to the buoyant London construction market.

6.3.1 The LHC is a Not-for-Profit organisation. Consortium members of the framework receive a pro-rata rebate annually, set against any profit made through the framework.

6.3.2 In the instance of the Cardinal Pole scheme, an upfront discount against the framework's 3% fee has been offered, at a reduced rate of 1%, in lieu of any rebate. The approved budget is £2.83 million, which has resulted in a cashable saving of £56,600.

## **7. SUSTAINABILITY ISSUES**

### **7.1 Equality Impact Assessment and Equality Issues:**

LBH Equality Impact Assessment and Equality issues were identified as a requirement for consideration and response in the ITT. Willmott Dixon responded positively to this criteria and have undertaken to hold a local “Meet the Buyer” event for local specialists. This will give local SMEs the chance to meet the Willmott Dixon procurement team and understand the type of packages of work Willmott’s will be procuring and provide the opportunity for local companies to tender.

- 7.1.1 The LHC Framework sets and monitors KPI’s against panel members’ performances, on behalf of the Public Sector organisations using the framework. These KPIs include quality of design and output, quality of installation, programme performance, and client feedback, and final account verses budget.

### **7.2 Environmental Issues:**

- 7.2.1 There are no adverse Environmental issues linked to this project. The development is above an existing hard standing area and the drainage and surface run-off is unaltered. The building frame is constructed from cross laminated timber which is a carbon neutral product. The materials, the design, and the building process will be constructed to modern standards; with acoustic specification, lighting specification, and ventilation specification designed to the appropriate current Building Bulletin standards.

- 7.2.2 Willmott Dixon will also need to comply with local and national environmental Planning Authority requirements, including achieving a BREEAM rating of Very Good.

### **7.3 Economic Issues:**

Economic issues identified in the PRIMAS have formed part of the proposals. Willmott Dixon is a member of the construction industry recognised ‘**5% Club**’ – this consortium give a pledge that at least 5% of their workforce will be made up from formalised apprentices on recognised training schemes, or graduate development trainees. At the end of 2015 the actual figure for Willmott Dixon stood at 5.85%. This undertaking is extended to the Cardinal Pole Scheme.

## **8. TENDER EVALUATION**

### **8.1 EVALUATION:**

The LHC Framework identified an interested construction partner. The tender return from this contractor (Willmott Dixon) was evaluated against the criteria identified in the ITT tender suite.

	Quality	Price	Total
Willmott Dixon	39.55%	30%	69.55%

Scoring of the ITT return was undertaken by:

LBH Project Manager  
 LBH Assistant Project Manager  
 Cardinal Pole School Business Manager  
 London Housing Consortium Project Manager

**8.2 Recommendation:**

This report recommends the use of Willmott Dixon Construction to deliver the building extension Scheme for the Cardinal Pole School, via the use of the London Housing Consortium (LHC) framework.

The works are affordable.  
 The works meet the need and objectives identified in the business case.  
 The cost of the works ((total) is funded by the School).  
 The contractor has undertaken to pay a minimum of London Living wage.

This report recommends that approval be given to enter into a JCT Intermediate Building with Contractors Design 2011 for the construction of an extension at Cardinal Pole School for a new three floor building (circa 577m2 in size) a cost of £2.83 million.

**9. CONTRACT MANAGEMENT ARRANGEMENTS**

**9.1 Resources and Project Management (Roles and Responsibilities):**

The Council’s Education Property Team will manage the project on behalf of the funding partner (Cardinal Pole School), using established project management techniques, earned value payment and programme management processes, and continued monthly reporting to the Diocese Executive team. Dashboard reports detailing progress and developments will be completed throughout the project’s delivery. No consideration of TUPE will be necessary.

**9.2 Key Performance Indicators:**

<b>Main KPI Targets Set</b>	<b>Monitoring</b>
1. Start on Site	Agreed site start date and weekly meetings
2. Construction Programme	Weekly & monthly meetings and valuation of works
3. Site operations	Number of complaints received
4. Delivery of phased build	Weekly & monthly meetings and valuation of works
5. Site employment Strategy	Number of apprentices employed
6. Handover of building	Receipt of fully constructed project

**10. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES**

10.1 This report recommends the use of Willmott Dixon Construction to deliver the building extension Scheme for the Cardinal Pole School. The earlier approved paper (14<sup>th</sup> July 2015) agreed the use of the London Housing Consortium (LHC) framework for the design of the new Cardinal Pole School 6<sup>th</sup> form extension project. In the last twelve months the Authority’s Education Property Team, in partnership with the funder (Cardinal Pole School), has

progressed the earlier approved actions and is now seeking authority to deliver the construction element of the Scheme, subject to entering contract on the terms described.

- 10.2 The Cardinal Pole extension will be funded by the School utilising funding agreed by its Governing Body. The Council has written instruction from Cardinal Pole confirming this to be the case. Should the estimated expenditure exceed £2.83 million plus VAT, the School has explicitly confirmed that it is responsible for funding any agreed increase; further written confirmation of this arrangement is confirmed in APPENDIX A.

## **11. COMMENTS OF THE DIRECTOR, LEGAL**

- 11.1 CPC is asked to agree the recommendations in Section 3 of this Report regarding the works at Cardinal Pole School.
- 11.2 The Council has used the LHC Framework in accordance with Regulation 33 of the Public Contracts Regulations 2015 to identify a preferred contractor to perform the services and works set out in this Report. It will be necessary to enter into a substantive works contract. Legal Services will assist with the drafting and execution of such contracts in due course.

## **12. COMMENTS OF THE DIRECTORATE PROCUREMENT MANAGER**

- 12.1 The report of July 2015 noting the outcome of the council's efforts to access a framework and conduct a mini competition for the works noted in paragraph 3.1(a). The report approved the award of a pre-commencement agreement at a cost of £230k with an anticipated construction value of £2.2m. Having worked with the school and Wilmot Dixon to complete a detailed design, the build cost has increased to £2.84m with the school committing to an additional £120k for additional works. The budget for the work rests entirely with the school. Use of the framework incurs a fee of 1% which amounts to £28,300. Officers must ensure that stakeholders are aware that this fee must also be budgeted for.
- 12.2 The Client intends managing the design and build contract in a traditional manner, in that, a Client clerk of work resource has not been included. It is incumbent on Wilmot Dixon to ensure that the building is constructed in accordance with the specification, however there is a risk of standards slipping and in the absence of detailed regular auditing during construction failures may occur in the building post hand over. Whilst Wilmot Dixon can be called back to repair / replace failed items this would invariably mean a disruption in school operations which could have been avoided. Officer may therefore wish to seek additional resources to fund suitably qualified Clerk(s) of Works for the various key stages of the construction.
- 12.3 The report notes that the contractor will hold meet the buyer events with a view to working with local businesses. No commitments appears to have been given regarding the percentage of work to be directed at local businesses or work opportunities / apprenticeship placement for Hackney residents.

## APPENDICES

**Appendix A - written confirmation from Cardinal Pole School that the scheme is to be funded by the School.**

**Appendix B – Copy of Planning Permission.**

## BACKGROUND PAPERS

In accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012 publication of Background Papers used in the preparation of reports is required.

### Description of document

Cabinet Report for the Capital Programme - Funding and Investment Strategy for the Schools Estate. July 2014.

Delegated Authority Report for the Use of the New Education Funding Agency Regional Framework for the Delivery of Education Capital Works and the Cardinal Pole School 6<sup>th</sup> Form Extension. July 2015.

Cabinet Report 14<sup>th</sup> July 2015 approving the use of the LHC framework to develop the design and commercial offer, and reserving the items described in the recommendations section of this paper as reserve matters for future approval.

<b>Report Author</b>	Bill Moore: 020 8356 3458 bill.moore@hackney.gov.uk
<b>Comments of the Group Director of Finance and Corporate Resources</b>	<a href="#">Name telephone number email address</a>
<b>Comments of the Director, Legal</b>	<a href="#">Name telephone number email address</a>
<b>Comments of Departmental Procurement Manager</b>	<a href="#">Name telephone number email address</a>

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Michael Coleman  
Strategic Head of Education Property  
Hackney Technology and Learning Centre  
3rd Floor  
1 Reading Lane  
London E8 1GQ

20 July 2016

Dear Michael

**Cardinal Pole Catholic School – extension project**

Further to our letters of 17 June and 11 December 2015 regarding this project, we have previously been provided with a pre-Planning Application Construction Cost Plan from Willmott Dixon dated 2 December 2015 in the sum of £2,331,760 + VAT. The school's Governing Body approved this, and agreed a budget of £2.4m + VAT.

As you know, there have since been detailed discussions by your team and the school, with Willmott Dixon and their design team, about the affordability of this project given the very rapid rise in building costs in 2016. The school is eager to proceed with this project at the very earliest opportunity, and it is vital that completion and handover is in time for the start of the 2017/18 academic year in September 2017 to ensure that the school can deliver the educational outcomes which we have always expected.

To ensure that the project can now proceed I am pleased to confirm that the school's Governing Body has agreed an increase in the project budget to £2.9m + VAT.

In addition to this, we have allowed for contingency sums to cover the following additional items:

The sterling/euro currency risk on the CLT frame procurement (£50k); the risk of unforeseen ground conditions (£50k); and the cost of a different roof covering system to provide additional durability at the request of the Diocesan Surveyors (£20k).

Consequently the total funding commitment by the school to ensure the successful delivery of the project now amounts to £3.02m + VAT.

Yours sincerely

Jane Heffernan  
Headteacher  
Cardinal Pole Catholic School



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