

Report

Cabinet



Part 1

Date: 13 September 2023

Subject Demolition of Millbrook Primary School

Purpose To seek approval for the demolition of the current Millbrook Primary School building.

Author Assistant Head of Education – Resources

Ward Bettws

Summary In July 2022, the Council was advised of potentially significant problems at Millbrook Primary School. This resulted in the school being temporarily relocated to Brynglas Adult Training Centre whilst further structural investigations were undertaken by a specialist contractor. Their report indicated that the school building should not be re-occupied in its current condition. The school has continued to operate from Brynglas Adult Training Centre since September 2022, and the Millbrook Primary School building has remained vacant.

In recent months the vacant building has been subject to significant break-ins, resulting in extensive vandalism and anti-social behavior, and it is anticipated that these problems will continue whilst the building remains empty. In early September 2023, the Council agreed to progress a replacement school build rather than repair and remodel the existing building. As such, the current building will not be reoccupied and is considered obsolete. Given the significant health and safety risks presented by this vacant building, approval is now sought for its demolition.

Proposal To agree that the current Millbrook Primary School building should be declared as surplus and that arrangements can be made for its demolition, and approve for £600,000 to be allocated from the Council's Capital Headroom to fund the scheme.

Action by Chief Education Officer

Timetable Immediate

This report was prepared after consultation with:

- Corporate Management Team
- Education Senior Management Team
- Senior HR and Finance Business Partners
- Headteacher and Governing Body of Millbrook Primary School

Signed

Background

Millbrook Infant and Junior Schools were originally built in 1958. The two schools operated separately but from within the same building for many years and were later amalgamated into a single one-and-a-half form entry school. The school building had capacity for 315 pupils of statutory school age, plus a 20-place nursery class providing 40 part-time placements, and hosted a Flying Start setting.

Over the summer of 2022, building issues were identified at Millbrook Primary School which resulted in the school being temporarily relocated to Brynglas, in the previous Adult Training Centre building, whilst further structural investigations were carried out. The report prepared following these investigations indicated that the school building should not be re-occupied in its current condition. Outline costs provided in the autumn term of 2022 suggested that a financial commitment in the region of £10.4m would be needed to refurbish and upgrade of major fabric elements of the building, and enable safe reoccupation.

The Council has used the remainder of the 2022/23 academic year to investigate, consider and agree the most appropriate long-term solution for the Millbrook Primary School community and, in early September 2023, agreed to progress a replacement school build rather than repair and remodel the existing building. This will require a multi-million-pound investment through the next wave of Welsh Government's Sustainable Communities for Learning programme, and will provide a modern teaching environment. Due to the timescales of this programme, a new school cannot be delivered quickly. In the interim, therefore, Millbrook Primary School will continue to operate from the temporary facility at Brynglas.

This also means that the current Millbrook Primary School building will not be reoccupied and is therefore considered obsolete within the Council's asset portfolio. Despite extensive efforts by the Council to secure the building through the installation of steel shutters over all ground floor window and door access points, there are daily break-ins resulting in significant instances of vandalism and anti-social behaviour.

Although the steel shutters are being continually repaired and replaced, it is apparent that the vandalism within the building has resulted in numerous broken windows, widespread access to the roof, damage to walls and panels which has dislodged asbestos and electrical wiring, and increased fire risk. The Council has engaged with Gwent Police and the South Wales Fire Service to identify ways in which these issues and risks can be mitigated and is currently procuring 24-hour security for the site.

In summary, the building currently poses a health and safety risk. Given that the Council no longer has a need for this obsolete building, approval is sought for its demolition on the grounds of health and safety within the local community.

Costs and Timescales

Newport Norse has provided a cost estimate of £600,000 for the proposed full demolition of the current building. A more accurate estimate will only be possible after seeking quotations from the market.

Consent for the demolition will also have to be secured in line with normal planning procedures. This will include submitting a method of demolition statement, a site restoration plan and undertaking relevant surveys. Whilst the application will be progressed as quickly as possible, a definitive timescale of when this could be feasibly achieved cannot be confirmed at this stage. An indicative programme timeline provided by Newport Norse currently suggests a completion date of June 2024.

Officers are investigating best options for procurement, and this will hopefully bring this date forward. In addition, once the tender is awarded, the contractor can erect hoardings ready for demolition and create a secure site compound. Under this arrangement, site security would be the responsibility of the appointed contractor, pending the demolition works taking place. Under the draft timeline, this is currently estimated as January 2024.

Financial Summary

Capital

The one-off capital costs associated with the demolition of the building will initially be funded in full by the Council. However, colleagues in Welsh Government have confirmed that the demolition works can be included as part of the overall replacement school build project, and as such, these early costs will also benefit from their agreed intervention rate of 65% for all Sustainable Communities for Learning projects.

Revenue

There are no revenue costs associated with this proposal, however by progressing the demolition, the Council will be able to avoid the costs associated with securing the site.

Risks

It is important to identify and manage any project or scheme's exposure to risk and have in place controls to deal with those risks.

Risk Title / Description	Risk Impact score of Risk if it occurs* (H/M/L)	Risk Probability of risk occurring (H/M/L)	Risk Mitigation Action(s) <i>What is the Council doing or what has it done to avoid the risk or reduce its effect?</i>	Risk Owner <i>Officer(s) responsible for dealing with the risk?</i>
The vacant school building continues to be a target for vandalism and anti-social behaviour.	H	H	A Risk Assessment is in place and is being regularly reviewed. In addition, the Council has engaged with Gwent Police and the South Wales Fire Service to identify ways in which identified issues and risks can be mitigated. Round-the-clock site security has been procured on a temporary basis.	Chief Education Officer
Delays in securing consent and appointing a contractor to undertake the demolition works	H	L	Colleagues across the Council will work together to prioritise these works as quickly as possible given the risks presented by the vacant building.	Chief Education Officer
The vacant building is demolished prior to plans for a replacement school build are agreed.	M	L	The Council has announced an intention to progress a replacement school build, and this will be prioritised through the next wave of investment under the Sustainable Communities for Learning programme.	Chief Education Officer

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

Wellbeing of Future Generations (Wales) Act 2015

Corporate Plan

Education Service Plan

Options Available and considered

Option 1: To maintain the status quo, and agree that the Council should continue to manage the risks associated with the vacant building.

Option 2: To declare the vacant building as surplus, and therefore progress arrangements for its demolition, including allocating £600,000 from the Council's Capital Headroom towards the cost of the scheme.

Preferred Option and Why

The preferred option is Option 2. This will remove the risks associated with this vacant and obsolete building. Plans for the replacement school build will be shared with the school community in due course, with the current temporary arrangements continuing in the medium-term.

Comments of Chief Financial Officer

Whilst it is expected that Welsh Government will ultimately be able to fund the demolition costs as part of the overall replacement of the school, at the 65% intervention rate under the Sustainable Communities for Learning programme, this has not yet been confirmed so there is a requirement to commit the full £600k up front. As and when a full replacement scheme is approved, the Council's contribution will effectively reduce to £210k by virtue of Welsh Government contributing £390k towards these specific costs.

The recommendations to this report ask the Cabinet to approve the use of £600k of the current available headroom for this scheme. The current level of available headroom stands at £11.9m and will reduce to £11.3m if this scheme is taken forward. The amount required will be specifically committed from the Capital Expenditure Reserve, which comprises the majority of the available headroom.

Whilst the amount required is clearly affordable from within the headroom, it should be noted that this reduces the remaining level of headroom at a time when increasing the level of capital resources, especially via new borrowing, is challenging. Therefore, it remains important that the capital headroom is only committed for the highest priorities, so as to not fetter the ability to respond to critical issues at a later date.

Although committing to this scheme means that scarce capital resources are utilised up front, it will assist the Council in avoiding the ongoing cost of security associated with the site in its current form.

Comments of Monitoring Officer

The Council has a specific obligation under section 13 of the Education Act 1996 to secure efficient primary and secondary education to meet the needs of the population of the area. In order to do so the Council has to maintain the schools in its area to a prescribed standard and as the owner of educational premises has legal obligations and a duty of care to ensure the wellbeing of staff and students. Specialist structural investigations have concluded that Millbrook School premises should not be re-occupied. This report identifies that due to the risks associated with the occupation of current school building, the preferred and safest option is for it to be demolished and replaced.

This report seeks approval for demolition of the current school premises on safety grounds. Should the demolition be approved, there are both Planning and Building Control requirements to be attended to before the demolition can take place. The demolition would be considered to be development requiring planning consent. However, Part 31 of Schedule 2 of the General Permitted Development Order 1995 grants permitted development rights for "any building operation consisting of the demolition of a building". Nevertheless, it will be necessary to apply to the Planning Department for a determination as to whether prior approval will be required for the method of demolition and the scheme of restoration. Advice should be taken from the Planning Department as to the procedure to be followed. When the Planning requirements have been satisfied and demolition is programmed to go ahead, Building Control must be notified in writing of the intention to demolish the building. Details must be provided of matters such as the extent of the demolition and any precautionary measures to safeguard neighbours and the

general public. Once sufficient information is submitted, Building Control will issue a certificate which will allow the demolition to proceed.

Comments of Head of People, Policy and Transformation

Following the identification of structural problems at Millbrook Primary School resulting in the transfer of teaching to an alternative site, the Council in September 2023, decided to progress a replacement school build rather than repair and remodel the existing building. This will require a multi-million-pound investment by the Council through the next wave of the Sustainable Communities for Learning programme and will provide a modern teaching environment for the future in an area of relative deprivation.

The existing site is now a target for anti-social behaviour and vandalism which will impact on local residents. In order to prevent further health and safety, nuisance and environmental issues at the site it is proposed that the vacant building should be demolished at an early stage. This proposal follows discussions with partners and supports the work of the Safer Newport Community Safety Partnership.

There are no direct human resources issues arising from this report.

Scrutiny Committees

None

Fairness and Equality Impact Assessment:

- **Wellbeing of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

The Well-being of Future Generations (Wales) Act seeks to improve the social, economic environmental and cultural well-being of Wales. Public bodies should ensure that decisions consider the impact they could have on people living in Wales in the future. The Council has always sought to engage with residents before taking any decision which may impact upon the delivery of any public service in accordance with the principles of fairness and legitimate expectation. The sustainable development principle and 5 ways of working set out in the Wellbeing of Future Generations Act have been considered as outlined below:

- Long term: the importance of balancing short- term needs with the need to safeguard the ability to also meet long-term needs: **The Council has announced an intention to progress a replacement school build for the Millbrook community, and as such the current school building is now obsolete. Given the health and safety risks posed in maintaining this building, demolishing it safeguards the school community and supports opportunities for future development.**
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives. **The vacant building contains potentially hazardous materials and is a target for vandalism and anti-social behaviour. Demolishing the building at an early stage will resolve these problems and mitigate the risk to the public.**
- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies. **This proposal supports the “A prosperous Wales” and “A Wales of cohesive communities” Well-being Goals and has no adverse effect on any of the other Well-being Goals.**
- Collaboration: have you considered how acting in collaboration with any other person, or any other part of our organisation could help meet our wellbeing objectives. **In managing the problems associated with this vacant building, the Council has liaised with and taken advice from Gwent Police and South Wales Fire Service.**
- Involvement: The importance of involving people with an interest in achieving the wellbeing goals and ensuring that those people reflect the diversity of the City we serve. **The Council will engage with the school and the local community to ensure that they understand the reasons for this demolition in advance of any replacement school build. This could include specifically**

targeted sessions with pupils of the school. Further information around the replacement school build will be shared with the school community in due course.

A Fairness and Equality Impact Assessment has been completed in respect of this proposal and accompanies this report.

Crime and Disorder Act 1998

The actions proposed in the report seek to minimise anti-social behaviour in the area.

Consultation

None, but as demolition consent will be required in order to move this forward, this will be undertaken in accordance with the statutory requirements enforced by Regeneration and Economic Development.

Background Papers

FEIA

Dated: 5 September 2023