



Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

## **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

**Appendix 2 is not for publication pursuant to Regulation 5(2) &(5) of SI 2001 No. 2290 and Paragraph 14, Part 4 of Schedule 12A to the Local Government Act 1972. Pursuant also to Paragraph 21 of the Schedule, and in all the circumstances of the case, the public interest in maintaining the exemption, is considered to outweigh the public interest in disclosing the information**

**Cabinet**

**31 July 2019**

**Private Joint Report of the Head of Property and Regeneration  
– S. Brennan  
& Head of Transformation – A.Thomas**

**Matter for Decision**

**Wards Affected: Cymmer**

**Proposed Demolition of Cymer Afan Comprehensive School**

**Purpose of the Report:**

To obtain Cabinet approval to implement a proposal to make arrangements for the demolition of Cymer Afan Comprehensive School and to implement Clause 3.1(vii) and (x) of the Council's Contract Procedure rules to exclude the requirement to seek competitive contracts and appoint a contractor based on a single tender.

This Cabinet report should be read in conjunction with the Cabinet report from the Director of Education, Leisure and Lifelong Learning dated 6<sup>th</sup> September 2018.

### **Executive Summary:**

Cabinet approval is sought to implement a proposal to make arrangements for the demolition of Cymer Afan Comprehensive School and to implement Clause 3.1(vii) and (x) of the Council's Contract Procedure rules to exclude the requirement to seek competitive contracts and appoint a contractor based on a single tender.

Appendix 2 is considered as a private report as it contains information which is commercially sensitive and the Council would not wish the financial information which it has negotiated with its proposed contractor to be made public as it could have an adverse effect on the nature of any bids that might be obtained for sub-contracted work.

### **Background:**

The Council holds freehold title to Cymer Afan Comprehensive School, School Road, Cymmer as approximately shown edged in Black on the attached copy plan at Appendix 1.

Members will be aware that following the Cabinet report of the Director of Education, Leisure and Lifelong Learning dated 6<sup>th</sup> September 2018 approval was granted to close Cymer Afan Comprehensive School and to re-locate pupils to Ysgol Cwm Brombil in Margam.

As part of the same Cabinet report, the decision was made to declare the school surplus to requirements with the vacant property being transferred to Property & Regeneration on the 1<sup>st</sup> September 2019.

There is significant concern that the vacant premises, which closed on the 19<sup>th</sup> July 2019 to pupils, may be subject to trespass vandalism or arson.

The site is also considered remote, with buildings spread over four separate blocks, and are in parts four storeys high. As indicated above the site is a high risk target for anti-social behaviour, including acts of vandalism and arson. This will result in the fabric of the building being damaged and eventually becoming unsafe, which in turn will result in the property becoming a long-term liability for the Council.

The school contains asbestos in many of the rooms. This makes the safe management of the site difficult until removed.

To minimise this risk, there have been a number of meetings with the school and education colleagues to plan for the school's closure and the subsequent management of a vacant site.

Due to these concerns, it has been proposed that the Council should appoint a security company to guard the building, the costs of which are set out in Appendix 2 and also commission a contractor to remove the asbestos and demolish the school as soon as possible.

To limit the Council's exposure to the risk of arson and vandalism, it would be prudent to appoint a contractor as a matter of urgency. This would enable them to quickly put in place arrangements to secure the school site, employ their own security, carry out additional asbestos surveys, disconnect live services and procure sub-contractors to remove the asbestos and demolish all buildings down to finished floor level.

Despite unconfirmed local interest, however past experience has shown that there is limited opportunity for the property to be successfully marketed, especially with a view to completing a quick disposal of the site.

There is an expectancy that the premises would, for the foreseeable future, remain as vacant. The period from marketing to sale could be between 12-18 months, or longer. During this period, the Council would retain responsibility for a site where there is a significant risk of anti-social behaviour and vandalism together with the site holding costs, which will include security and estate management costs.

The Governing Body of the School, in its meeting of the week commencing 10<sup>th</sup> June 2019, discussed options regarding site security and decommissioning. The Governing Body agreed for the Council to take control of decommissioning, early site security, general access and commissioning of contractors in readiness for demolition and to commence from the 19th July 2019.

Due to the urgent nature of the works, subject to member approval, it is necessary to exclude the requirement to obtain competitive tenders and implement Clause 3.1(vii) and (x) of the Council's Contract Procedure Rules to allow a contract award based on a single tender and by way of a variation to an existing contract, details of which are set out in Appendix 2

A contract price has been agreed on the basis of the existing asbestos management report but it will be necessary to obtain a further asbestos refurbishment and demolition report, this may reveal further asbestos that has not been accounted for in the price.

The price also allows for the demolition of the structures down to slab level. However, due to the sloping nature of the site it may be necessary to install some permanent fencing around some of the elevated ground levels at the end of the contract.

### **Financial Impacts:**

The contract cost to the authority is as set out in Appendix 2 and will be met from existing budgets.

### **Integrated Impact Assessment:**

A first stage impact assessment has been undertaken (attached at Appendix 3) to assist the Council in discharging its legislative duties (under the Equality Act 2010 , the Welsh Language Standards ( No 1) Regulations 2015, the Well Being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

The first stage assessment has indicated that a more in-depth assessment is not required for the reasons set out in the first stage impact assessment.

### **Valleys Communities Impacts:**

Due to the high risk of potential anti-social behaviour, including criminal damage and arson it is considered that unless positive action is taken by the Council to demolish the vacant buildings then this is likely to pose an unnecessary risk to the long-term safety of and have a detrimental effect on the local community.

### **Workforce Impacts:**

No implications

### **Legal Impacts:**

Due to the urgent nature of the works required it is necessary to exclude the requirement to obtain competitive tenders and implement Clause 3.1(vii) and (x) of the Council's Contract Procedure Rules to allow a contract award based on a single tender and by way of a variation to an existing contract. Details of the contractual arrangements are set out in Appendix 2,

## **Risk Management Impacts:**

The site is considered a high risk target for anti-social behaviour, including acts of vandalism and arson. These acts will result in the fabric of the buildings becoming damaged and eventually the buildings, despite the best efforts of the Council, will become unsafe, this will in turn result in the property becoming a long-term liability for the Council.

At the moment, the school still contains school furniture and there is asbestos present in many of the rooms. The above makes the safe management of the site a very difficult and it will quickly become a costly and time-consuming problem for the Council.

## **Consultation:**

There is no requirement for external consultation on this item. Nevertheless, the Governing Body of the School, in its meeting of the week commencing 10<sup>th</sup> June 2019, discussed options regarding site security and decommissioning (see above).

## **Recommendations:**

It is recommended that in accordance with Contract Procedure Rules 3.1 (vii) and (x)

- (a) Delegated authority be granted to the Head of Property and Regeneration to enter into arrangements to provide security to the building in the manner set out in Appendix 2
- (b) Delegated authority be granted to the Head of Property and Regeneration to negotiate terms and enter into a contract/ agreement to safely manage asbestos removal and undertake demolition works at Cymer Afan Comprehensive School in accordance with the arrangements detailed in Appendix 2

## **Reasons for Proposed Decision:**

To limit the Council's exposure to the risk of arson and vandalism it would be prudent to appoint a contractor as a matter of urgency so that they can put in place arrangements to secure the school site, employ their own security, carry out further asbestos surveys, disconnect live services and procure sub-contractors to remove the asbestos and demolish all buildings down to finished floor level

## **Implementation of Decision:**

The decision is proposed for implementation after the three day call in period.

## **Appendices:**

Appendix 1 – Plan of area

Appendix 2- Financial and Contractual Information (Private Appendix – Not for Publication)

Appendix 3 – Integrated Impact Assessment Screening Tool

## **List of Background Papers:**

Cabinet Report dated 6<sup>th</sup> September 2018.

Education Skills and Culture Cabinet Report dated 4<sup>th</sup> July 2019

## **Officers Contact:**

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