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**Agenda Item No.6 (h)**

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**21 November 2019**

**Report of the Executive Director for Children's Services**

**CHILDREN'S SERVICES CAPITAL PROGRAMME 2019-20 –  
URGENT DECISION TAKEN BY THE EXECUTIVE DIRECTOR FOR  
CHILDREN'S SERVICES**

**1. Purpose of Report**

To note an urgent decision taken by the Executive Director for Children's Services to approve a further allocation from the Children's Services Capital Programme 2019-20 for the new primary school at Highfields Farm.

**2. Information and Analysis**

The Decision was taken by the Strategic Director for Children's Services on 17 September 2019. A copy of that report is attached at Appendix A.

On 14 September 2017 (minute number 252/17), Cabinet approved a consultation on the opening of a new primary school at Highfields Farm to accommodate the pupils from a development of 1200 houses. On 11 January 2018 (minute number 11/18) Cabinet received a report on the outcome of that consultation. Cabinet approved the process of inviting expressions of interest from multi academy trusts to run the school under the 'free school presumption' process and interviews with various multi-academy trusts took place in May 2018. The Authority's assessment of the applications was forwarded to the Department for Education (DfE) and Spencer Academy Trust was also selected for this second school. Since then the Authority has been working with the Trust to develop the project with a view to opening the school in September 2020.

Under the terms of the Section106 agreement, the developer was required to provide £4,384,581 in capital funds for the primary school and those funds were reported to Cabinet on 11 July 2019. On 26 July 2018, Cabinet approved an additional £1,126,000 (minute number 190/18) to provide a total of £5,510,581 to build a one form entry school. The contract for the school was also awarded under the SCAPE framework approval for which was given by Cabinet as detailed above and the start of construction is imminent. In view of the short timescales for delivering the school, a modern form of construction (modular) was selected. Under this form of construction, the sections of building are constructed off site under factory conditions and then craned into position on site. This is the first time Derbyshire County Council has used this form of construction for a complete school but a similar school has recently been delivered for Derby City Council as well as other Authorities across the Country.

The tender price was received from the framework contractor and the total price was £6.2M which was £689,419 above the available budget. Under the terms of the S106, there is scope for the Authority to request a further £228,672 as the tender prices has exceeded the original S106 contribution. The shortfall would then be reduced to £460,747 which would have to be funded from the Children's Services capital budget for 2019-2020. As the additional S106 contribution is yet to be secured, it was proposed that the full sum of £689,419 be approved on the basis that the S106 contribution will be refunded in due course.

To achieve an opening date in September 2020, the contract required agreement by 20 September 2019. On the current programme, the school is due to be completed on 18 August 2020 which is a tight timescale leaving little scope for delays. Within that programme there is a booked manufacturing slot with the off-site construction company and failure to achieve those programme dates could result in a significant delay with the school. The Trust, in relation to another new school, has indicated that whilst it would accept a short period of temporary arrangements, if the delay was prolonged, it would wish to delay the opening for a full academic year. Such a delay would be unacceptable to the residents of the new development and would place significant strain on places at nearby schools.

The Cabinet Member for Young People was consulted and in agreement with this strategy.

### **3. Financial Considerations**

The financial considerations are explained in Section 2. At the time of the decision, the balance of the Children's Services Capital budget as last reported on 11 July 2019 was £5,196,357. After the approval of £689,419 from condition funding for the new primary school at Highfields

Farm the balance was reduced to £4,506,938. Since then further approvals by Cabinet and approvals made under delegated powers by the Executive Director for Children's Services and the Head of Development (to be reported in a future Cabinet paper) leave a current unallocated balance of **£3,471,986**.

#### **4. Social Value Considerations**

This allocation will support the provision of high quality education in the County and meet the needs generated by the large scale housing growth.

#### **5. Legal Considerations**

The Council's Constitution provides that "notwithstanding any other provision of the Constitution Strategic Directors shall have the power, after discussion, if practicable, with the Leader of the Council or the relevant Cabinet Member or Chair, to take such actions deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the timescale involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee."

#### **6. Other Considerations**

In preparing this report the relevance of the following factors has been considered:- prevention of crime & disorder, equality of opportunity, environmental, health, legal & human rights, human resources, property and transport considerations.

#### **7. Officer Recommendation**

That Cabinet notes the urgent decision taken on 17 September 2019 by the Executive Director for Children's Services for the approval of £689,419 for the new primary school at Highfields Farm.

**Jane Parfremment  
Executive Director for Children's Services**

**DERBYSHIRE COUNTY COUNCIL**

**URGENT DECISION TAKEN BY THE EXECUTIVE DIRECTOR OF  
CHILDREN'S SERVICES**

**16 September 2019**

**Report of the Executive Director for Children's Services**

**CHILDREN'S SERVICES CAPITAL PROGRAMME 2019-20 –  
FURTHER ALLOCATIONS**

**8. Purpose of Report**

To approve a further allocation from the Children's Services Capital Programme 2019-20 for the new primary school at Highfields Farm.

**9. Information and Analysis**

On 14 September 2017 (minute number 252/17), Cabinet approved a consultation on the opening of a new primary school at Highfields Farm to accommodate the pupils from a development of 1200 houses. On 11 January 2018 (minute number 11/18) Cabinet received a report on the outcome of that consultation. Cabinet approved the process of inviting expressions of interest from multi academy trusts to run the school under the 'free school presumption' process and interviews with various multi-academy trusts took place in May 2018. The Authority's assessment of the applications was forwarded to the Department for Education (DfE) and Spencer Academy Trust was also selected for this second school. Since then the Authority has been working with the Trust to develop the project with a view to opening the school in September 2020.

Under the terms of the Section106 agreement, the developer was required to provide £4,384,581 in capital funds for the primary school and those funds were reported to Cabinet on 11 July 2019. On 26 July 2018, Cabinet approved an additional £1,126,000 (minute number 190/18) to provide a total of £5,510,581 to build a one form entry school. The contract for the school was also awarded under the SCAPE framework approval for which was given by Cabinet as detailed above and the start of construction is imminent. In view of the short timescales for delivering the school, a modern form of construction (modular) was selected. Under

this form of construction, the sections of building are constructed off site under factory conditions and then craned into position on site. This is the first time Derbyshire County Council has used this form of construction for a complete school but a similar school has recently been delivered for Derby City Council as well as other Authorities across the Country.

The tender price has been received from the framework contractor and the total price is £6.2M which is £689,419 above the available budget. Under the terms of the S106, there is scope for the Authority to request a further £228,672 as the tender prices has exceeded the original S106 contribution. The shortfall would then be reduced to £460,747 which would have to be funded from the Children's Services capital budget for 2019-2020. As the additional S106 contribution is yet to be secured, it is proposed that the full sum of £689,419 be approved on the basis that the S106 contribution will be refunded in due course.

To achieve an opening date in September 2020, the contract requires agreement by 20 September 2019. On the current programme, the school is due to be completed on 18 August 2020 which is a tight timescale leaving little scope for delays. Within that programme there is a booked manufacturing slot with the off-site construction company and failure to achieve those programme dates could result in a significant delay with the school. The Trust, in relation to another new school, has indicated that whilst it would accept a short period of temporary arrangements, if the delay was prolonged, it would wish to delay the opening for a full academic year. Such a delay would be unacceptable to the residents of the new development and would place significant strain on places at nearby schools.

The Cabinet Member for Young People has been consulted and is in agreement with this strategy.

## **10. Financial Considerations**

The financial considerations are explained in Section 2. On 11 July 2019, the balance of the Children's Services Capital budget was £5,196,357. There is however a Cabinet paper on circulation at present that will be considered on 10 October 2019. If that paper is accepted, the available balance will be £4,557,795. If this proposal is approved, the balance of £3,868,376 will be available for future allocation.

## **11. Social Value Considerations**

This allocation will support the provision of high quality education in the County and meet the needs generated by the large scale housing growth.

## **12. Legal Considerations**

The Council's Constitution provides that "notwithstanding any other provision of the Constitution Strategic Directors shall have the power, after discussion, if practicable, with the Leader of the Council or the relevant Cabinet Member or Chair, to take such actions deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the timescale involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee."

## **13. Other Considerations**

In preparing this report the relevance of the following factors has been considered:- prevention of crime & disorder, equality of opportunity, environmental, health, legal & human rights, human resources, property and transport considerations.

## **14. Officer Recommendation**

That the Executive Director for Children's Services approves a further allocation of £689,419 for the new primary school at Highfields Farm.

**Jane Parfremment**  
**Executive Director for Children's Services**