

Portfolio Holder Decisions/Leader Decisions

Friday 14 April 2023

Minutes

Attendance

Committee Members

Councillor Isobel Seccombe OBE

Councillor Peter Butlin

Councillor Kam Kaur

1. Developer - Funded S278 Highway Schemes Approvals

Resolved

That the Portfolio Holder for Finance and Property gives approval to the addition of the following s278 fully developer-funded highway improvement schemes to the Capital Programme for 2022/23:

a) A4254 Eastboro Way/Avenue Road/B4114 Lutterworth Road Highfield Road Roundabout improvement - of approximate value £340,000.

b) D209 Carlyon Road Atherstone bus stop- of approximate value £80,000.

2. Consultation on the Establishment of Resourced Provision at Maintained Primary Schools

Resolved

That the Portfolio Holder for Education agrees to the commencement of a consultation in line with the statutory process required for the establishment of Specialist Resourced Provision (SRP) to cater for pupils with special educational needs and disabilities (SEND) at Abbey CofE Infant School (Nuneaton), Goodyers End Primary School (Bedworth) and St Andrews Benn CofE Primary School (Rugby).

3. Letting of Unit 1A Great Central Way Rugby

Resolved

The recommendations were approved as set out in the report.

4. Tewkesbury Drive Purchase

Resolved

The recommendations were approved as set out in the report.

Portfolio Holder Decision Developer - Funded S278 Highway Schemes Approvals

Portfolio Holder	Portfolio Holder for Finance and Property
Date of decision	14 April 2023
	Signed 

1. Decision taken

- 1.1 That the Portfolio Holder for Finance and Property gives approval to the addition of the following s278 fully developer-funded highway improvement schemes to the Capital Programme for 2022/23:
- a) A4254 Eastboro Way/Avenue Road/B4114 Lutterworth Road Highfield Road Roundabout improvement - of approximate value £340,000.
 - b) D209 Carlyon Road Atherstone bus stop- of approximate value £80,000.

2. Reasons for decisions

- 2.1 On 14th May 2021 Council reconfirmed the delegated power to the Leader, or body nominated by them, to approve the addition to the capital programme of projects costing less than £2.0 million, which are fully funded from external grants, developer contributions or from revenue.
- 2.2 Under the Constitution, the power is delegated onwards to the Portfolio Holder for Finance and Property.

3. Background information

- 3.1 **A4254 Eastboro Way - Highfield Road Roundabout improvements**
A planning application was submitted to Nuneaton and Bedworth Borough Council by Crest Nicholson Midlands for the construction of residential dwellings of up to 360 dwellings with vehicular access. Planning consent was granted (Ref 033926) and subsequent permission granted for variations of conditions on 29 January 2019 (ref: 035918) which stipulates that for the works to be carried out in the limits of the public highway, the developer is required to enter into a s278 agreement with Warwickshire County Council. The s278 works required are roundabout

improvements on the Highfield Road.

3.2 **D209 Carlyon Road, Atherstone - Bus stops**

A planning application was submitted to North Warwickshire Borough Council by Total Developments UK Limited for the erection of an industrial use/distribution facility. Planning consent was granted on 5 December 2019 (ref: PAP/2019/0228) which stipulates that for the works to be carried out in the limits of the public highway the developer is required to enter into a s278 agreement with Warwickshire County Council. The s278 works required are the construction of two bus stops on Carlyon Road.

4 **Financial implications**

- 4.1 As the new highway assets which are being created through these schemes will come on to the Council's balance sheet once completed, the costs incurred by the Council need to be treated as capital expenditure.
- 4.2 Section 278 schemes are fully funded by developer contributions which are ring-fenced for the schemes described in the sections above. There are no alternative uses for the contributions and the addition of these schemes will not affect the overall level of available capital resources.
- 4.3 The respective Developers have already committed to funding the technical review work by accepting the Council's fee estimates. The Council's fees for technical review are always collected in advance of the s278 agreement being signed.
- 4.4 Procurement and subsequent award of construction contracts will only take place subject to the applicable Section 278 agreements being signed, which will provide 100% of the funding. The s278 agreements will also require the Developer to provide a bond or cash security. The commencement of the works is dependent on the completion of the technical review, procurement, and contractor mobilisation processes. Any slippage or increase in costs due to changes in the scope of the works will be reported in the normal quarterly monitoring process.

5 **Environmental implications**

- 5.1 The environmental impacts of developer-funded highway schemes are considered through the planning approval process.
- 5.2 The contractors on the Council's Framework Contract for the Provision of Engineering and Construction Works (WCC 6012) have all demonstrated that they hold a certificate of compliance with BS EN ISO 140001 (or equivalent) or have otherwise satisfactorily demonstrated their policies and arrangements for the management of construction-related environmental issues.

Report Author	Kudzai Chengeta kudzaichengeta@warwickshire.gov.uk,
Assistant Director	Scott Tompkins Assistant Director Environmental Services
Strategic Director	Mark Ryder Strategic Director for Communities
Portfolio Holder	Councillor Peter Butlin Portfolio Holder for Finance and Property

Urgent matter?	No
Confidential or exempt?	No
Is the decision contrary to the budget and policy framework?	No

List of background papers
N/A

Members and officers consulted and informed
<p>Portfolio Holder – Councillor Peter Butlin</p> <p>Corporate Board – Mark Ryder</p> <p>Legal – Caroline Gutteridge</p> <p>Finance – Andrew Felton</p> <p>Equality – n/a</p> <p>Democratic Services – Isabelle Moorhouse</p> <p>Councillors – Warwick, Singh Birdi, Boad, Philipps and W Roberts</p> <p>Local Member(s): A4254 Eastboro Way -Cllr Jeff Clarke (Nuneaton and Bedworth)</p> <p>Carlyon Road Atherstone – Cllr Mejar Singh (Atherstone)</p>

This page is intentionally left blank

Portfolio Holder Decision Consultation on the Establishment of Resourced Provision at Maintained Primary Schools

Portfolio Holder	Portfolio Holder for Education
Date of decision	14 April 2023
	Signed 

1. Decision taken

That the Portfolio Holder for Education agrees to the commencement of a consultation in line with the statutory process required for the establishment of Specialist Resourced Provision (SRP) to cater for pupils with special educational needs and disabilities (SEND) at Abbey CofE Infant School (Nuneaton), Goodyers End Primary School (Bedworth) and St Andrews Benn CofE Primary School (Rugby).

2. Reasons for decisions

2.1 In line with the statutory guidance issued by the Department for Education, 'Making Prescribed Alterations to Maintained Schools', any proposals to establish, remove or alter SEN provision (including SRPs) at a mainstream school requires the local authority to undertake a statutory process including a consultation period of at least 4 weeks.

2.2 The Local Authority are looking to establish specialist provision at the following Primary Schools:

Abbey C of E Infant School: for up to 8 primary aged pupils with an Education, Health and Care plan (EHCP) whose primary needs are communication and interaction needs

St Andrews Benn CofE Primary School: for up to 8 primary aged pupils with an EHCP whose primary needs are communication and interaction needs

Goodyers End Primary School: for up to 16 primary aged pupils with an EHCP whose primary needs are social, emotional and mental health needs.

2.3 The proposed SRPs will meet the needs of pupils with an education health care plan,

who are cognitively able to access the curriculum and will benefit from being located alongside a mainstream school environment where their additional needs can be met through a flexible approach, tailored and adapted to their needs.

- 2.4 Admissions to the SRPs would follow a different process from that operating for the rest of the school. Admissions into SRPs will be through the WCC process for specialist admissions. This will not impact on pupils who are in the mainstream setting at the school.
- 2.5 The places at the SRPs in Nuneaton & Bedworth and Rugby are required to meet the demand for places for Specialist Provision in the local area for September 2023. Where sufficient local specialist places cannot be provided, pupils would need to be placed in provision out of the local area, potentially in more costly independent provision with additional transport costs.
- 2.6 If the proposal is approved by Cabinet, in order to ensure the capital works required to create the necessary accommodation for the provision are in place to accommodate the pupils, a consultation needs to take place in April to ensure the proposal can be presented to Cabinet in June 2023. The consultation would take place towards the end of the pre-election period. General legislative guidance highlights consultations during a pre election period should be avoided, unless a delay to a consultation would cause exceptional issues, such as meeting a statutory duty and in this case, the provision of school places in time for the start of the school year.

3. Background information

- 3.1 In order to meet forecast demand and build on the local offer of specialist provision the local authority is continuing the development of SRPs across the county whereby pupils, who are cognitively able to access the curriculum, can have their needs met and benefit from being located on site alongside a mainstream school environment.
- 3.2 There are currently 12 SRPs attached to mainstream primary provision in Warwickshire – 2 in North Warwickshire, 3 in Nuneaton & Bedworth, 3 in Rugby, 1 in Warwick and 3 in the Stratford on Avon area.
- 3.3 If the proposals are agreed by Cabinet in June 2023, capital works would be initiated to ensure accommodation is in place to allow the SRPs to open in September 2023.
- 3.4 In line with the timing of provision it is anticipated that the consultations to establish the SRPs at Abbey CofE Infant School, Goodyers End Primary School and St Andrews Benn CofE Primary School would need to take place between April and May with a decision by Cabinet in June 2023. Parents at the schools will be consulted using the school's established form of communication, other schools and stakeholders will be notified of the proposal and further information will be placed on WCC consultation platform 'Ask Warwickshire'.

3.5 An Equality Impact Assessment would form part of the report that goes to Cabinet in June 2023.

4. Financial implications

- 4.1 There are no additional costs for the LA from undertaking this consultation.
- 4.2 However, if after the consultation, there is a decision to go ahead with the specified resourced provision there will be capital costs to the Authority in order for additional teaching and ancillary space to be provided to accommodate the learners attending the resourced provision. Education capital funding would be used to fund the required capital works.
- 4.3 At all three schools, initial feasibility work has indicated that the required accommodation can be achieved by remodelling and refurbishing existing space. This would be completed between June 2023 and August 2023.
- 4.4 Pupil places in the resourced provisions are funded at a higher rate so that pupils additional learning needs can be met. The level of funding will be broadly in line with how pupils are funded in the County's special schools. A service level agreement between WCC and the school will confirm the exact arrangements and expectations.
- 4.5 The establishment of specialist resourced provision is part of the strategy to limit the overspend on the Dedicated Schools Grant (DSG) allowing learners to be placed in more cost effective provision and ensuring that, where possible, more learners with an EHCP can be taught alongside, and within, a mainstream school environment. The establishment of resourced provision across the county increases the range of SEND provision available to meet the needs of children, particularly those children with significant additional needs but able to access a mainstream curriculum.

5. Environmental implications

- 5.1 Anticipated to be minimal with the additional accommodation requirements involving small scale internal alterations.
- 5.2 There is also the positive impact with the increasing development of resourced provision aiming to provide more 'local' education provision and reduce journey times for the learner.

Report Author	Emma Basden-Smith emmabasdensmith@warwickshire.gov.uk
Assistant	Jonny Kyriacou

Director	Assistant Director for Education
Strategic Director	Nigel Minns Strategic Director for People
Portfolio Holder	Cllr Kam Kaur Portfolio Holder for Education

Urgent matter?	<i>No</i>
Confidential or exempt?	<i>No</i>
Is the decision contrary to the budget and policy framework?	<i>No</i>

List of background papers

None

Members and officers consulted and informed

Portfolio Holder – Cllr Kam Kaur

Corporate Board – Nigel Minns

Legal – Nicola Vine

Finance – Brian Smith, Andrew Felton

Equality – Joanna Kemp

Democratic Services – Isabelle Moorhouse

Councillors – Councillors Dahmash, Brown and Roodhouse

Local Member(s): Cllr Caroline Phillips, Cllr Peter Gilbert, Cllr Sarah Feeney

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank