

Portfolio Holder Decisions

Friday 14 June 2024

Minutes

Attendance

Committee Members

Councillor Peter Butlin

Councillor Kam Kaur

1. Traffic Surveys DPS

Resolved that the Deputy Leader:

Approves the procurement and establishment of a Dynamic Purchasing System for Traffic Surveys; and

Authorises the Executive Director for Communities to award contracts to providers and to enter into any legal agreements necessary to implement the recommendations in this report on terms and conditions acceptable to the Executive Director for Resources.

2. Charging schools for academy conversions

Resolved that the Portfolio Holder for Education:


Approves the partial recouping of the Local Authority's costs in relation to the academy conversion process, through the charging of a fee of up to an estimated £7,750 to each converting school; and

Delegates approval of the final charge to the Executive Director for Children and Young People; and

Agrees that this fee is reviewed annually with the decision on any changes delegated to the Executive Director for Children and Young People.

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Portfolio Holder Decision Traffic Surveys DPS

Portfolio Holder	Deputy Leader (Portfolio Holder for Finance and Property)
Date of decision	14 June 2024
	Signed 

1. Decision taken

That the Deputy Leader:

- 1.1 Approves the procurement and establishment of a Dynamic Purchasing System for Traffic Surveys; and
- 1.2 Authorises the Executive Director for Communities to award contracts to providers and to enter into any legal agreements necessary to implement the recommendations in this report on terms and conditions acceptable to the Executive Director for Resources.

2. Reasons for decisions

- 2.1 This report aims to gain approval to start the procurement process for a Dynamic Purchasing System (DPS) for Traffic Surveys. The Council's procurement team has advised that a DPS is the best approach to take and will provide the best value for money to the Council.
- 2.2 The Council undertakes traffic surveys, and its supplier's current contract expired on the 1st of March 2024. The proposed timetable is to begin the DPS as soon as possible, with the contract with the current provider continuing through the following months via a rolling month contract. The Council has undertaken some soft market analysis that has revealed it will be more cost effective for the Council to use a DPS for traffic surveys than the current procurement. This exercise was undertaken at the start of 2024 which is why this decision has been made with so quickly.
- 2.3 These services are key in supporting the delivery of transport schemes and highway network changes across Warwickshire. The surveys provide invaluable data that informs the Local Transport Plan and other major transport-related documents. The data contributes to the updating of local traffic models alongside the above.

- 2.4 Under the Council's contract standing orders, due to the total value of this contract, which is £2.5 million over six years, this procurement exercise requires Deputy Leader approval to start the process and provide delegated authority to the Executive Director for Communities to award the contract on terms and conditions acceptable to the Executive Director for Resources.

3. Background information

- 3.1 The Council employs external survey companies to undertake any surveys that our internal traffic survey team are unable to complete due to resourcing or technical limitations. The surveys undertaken by external survey companies are vital for the Council to perform its role as the Highways Authority. Without analysis of traffic and sustainable travel survey data, the Council could not deliver transport-related schemes or make any changes to the highway network. For example, the Council requires transport survey data to inform model development for the assessment of major schemes, analysis of Local Plan impacts, review impacts related to major housing and employment development proposals, inform multi-modal transport studies and scheme development and justify changes to the network such as the implementation of 20mph zones or changes to speed limits to support road safety initiatives.
- 3.2 Over 500 individual surveys were undertaken by external survey companies between January 2023 and February 2024 with the value of these surveys exceeding £200,000. A similar level of demand in future years is expected as two major model updates are needed alongside updating several smaller models as these models do not represent the change in traffic behaviour observed after the pandemic. The recently announced Local Transport Fund will encourage more active travel schemes to be designed and implemented in Warwickshire and these schemes will need supporting data. A member of the survey team is now ensuring all capital schemes are monitored in line with the monitoring requirements set out in the Council's design guide. These factors will ensure the level of demand for surveys remains high throughout the DPS period. The DPS will not be opened up to other teams within the Council. All traffic surveys must go through the Traffic Surveys team because every survey needs a permit, the data needs to be validated, the data needs to be checked for any data loss and the data must be collected when the highway network is clear. However, when other teams or other local authorities need surveys undertaking, they can go to the Traffic Surveys team and the team will use the DPS for the requested surveys.
- 3.3 The best value for money is likely to be achieved through tendering these services as the Council only has limited ATC (Automatic Traffic Count) equipment available resulting in it not having the resources to carry out all of the surveys requested. The Council does not have the equipment necessary to carry out JTC (Junction Turning Counts), mobile ANPR (Automatic Number Plate Recognition) Active Travel surveys, and other specialist activities in-house, the external survey companies will then take these surveys on our behalf.

- 3.4 Under the current framework the cost of a survey is fixed as agreed with the survey company at the beginning of the framework. In recent months we have regularly found that survey companies not on the framework offer lower prices than what was agreed on the framework. A DPS is not static like the current framework and allows for new entrants over the DPS period and will allow a pool of suppliers to bid each time. This will provide the best value to the Council as the cheapest option can be chosen. From the Council's experience in tendering for surveys, there can be a wide range in cost, sometimes in excess of 50% difference between quotes. This is due to the demand an individual survey company is currently facing. The DPS will allow the Council to choose the cheapest option ensuring the best value is obtained.
- 3.5 The Council has worked with multiple survey companies in recent years and always receive quotes for any mini tenders that are put out so is confident survey companies will apply to this DPS procurement process.
- 3.6 The procurement will be undertaken in accordance with the Council's Contract Standing Orders and in compliance with procurement legislation. A project team has been established consisting of staff from the traffic surveys team, the Commercial and Contracts team including contract management and procurement, legal and finance.

4. Financial Implications

- 4.1 To get onto the DPS, survey companies will have to agree to a high-level specification set out by the Council. The survey companies will have to follow the Council's survey specifications, which include strict mandatory questions they must agree to. The specification has been checked by multiple team members, including senior officers, to ensure it includes everything required from the survey companies. This allows the Council to focus primarily on cost when evaluating the tenders to ensure the best value is achieved.
- 4.2 The total value of the procurement will be £2.5 million over four years. The Council would not be obligated to spend this amount. Over the last financial year, 2023/24, the Council spent over £200,000 on surveys and it is expected that this figure will grow over the coming years as the importance of data for deliverability increases. With a general election taking place in 2024, more funds may be made available to be bid on leading to more schemes and therefore more surveys being needed. As the DPS will be over a four-year period, the £2.5 million value will be enough to comfortably cover the cost of surveys over this period.
- 4.3 Due to the price of surveys not being set this will allow the Council to deliver a saving due to the survey prices being lower. The Council will be able to choose the cheapest option provided allowing it to spend effectively and efficiently.
- 4.4 The surveys will be paid for through capital scheme budgets, model development revenue budgets, parish council survey requests, councillor's delegated budgets and developers that need data to support or implement any changes to the highway network.

5. Environmental Implications

- 5.1 This DPS will have no further environmental implications as site visits will be required whether the surveys are done internally or carried out externally by survey companies.
- 5.2 The surveys will not have a direct impact on the environment, however, the schemes or proposals that the data will support may help improve the environment and air quality around the county. This could be done by implementing cycle schemes, speed limit changes, and road widening or implementing signals to reduce congestion on the network.

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Portfolio Holder	Portfolio Holder for Transport and Planning peterbutlin@warwickshire.gov.uk

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

List of background papers

Members and officers consulted and informed

Portfolio Holder – Councillor Peter Butlin

Corporate Board – Mark Ryder

Legal –

Finance –

Equality –

Democratic Services – Amy Bridgewater-Carnall, Nicole Conway

Councillors – Adrian Warwick, Parminder Singh Birdi, Sarah Boad, Sarah Feeney, Will Roberts.

Local Member(s): None – this is a County wide report

Portfolio Holder Decision Charging Schools for Academy Conversions

Portfolio Holder	Portfolio Holder for Education
Date of decision	14 June 2024
	Signed 

1. Decision taken

That the Portfolio Holder for Education:

- 1.1 Approves the partial recouping of the Local Authority's costs in relation to the academy conversion process, through the charging of a fee of up to an estimated £7,750 to each converting school.
- 1.2 Delegates approval of the final charge to the Executive Director for Children and Young People.
- 1.3 Agrees that this fee is reviewed annually with the decision on any changes delegated to the Executive Director for Children and Young People.

2. Reasons for decisions

- 2.1 This proposal was agreed by Education Services Senior Leadership Team (05/03/24), the Commercial Delivery Group (22/4/24) and Corporate Board (29/4/25).
- 2.2 The Academies Act 2010 gives all maintained schools the opportunity to become academies. Of the 121 Warwickshire schools that have become academies, 90 chose to do so and sought voluntary conversion. The other 31 schools were sponsored (or 'forced') conversions initiated by the Department for Education (DfE).
- 2.3 The 90 voluntary academy conversions since 2010 have occurred gradually, at an average of seven conversions per year varying from a maximum of 12 in 2011 and 2018 and only one in 2016.
- 2.4 Schools are given a DfE grant of £25,000 to meet professional costs incurred by the conversion process. From September 2024, schools will only receive this grant if they apply to convert as a group of at least four schools.
- 2.5 There are a number of departments within the Council directly involved in converting a maintained school to an academy. The workload associated with each academy conversion varies according to the complexity of the conversion. It is a significant task to ensure that the academy transfer process is undertaken in a reasonable timescale, as well as ensuring that WCC liabilities are transferred

- appropriately.
- 2.6 The Council currently receives no funding for this work but has a statutory duty to comply with Academies legislation.
- 2.7 There are currently 110 maintained Warwickshire schools, of which approximately half are Voluntary Controlled or Voluntary Aided schools.
- 2.8 Portfolio Holders have authority “To approve the introduction of charges for services or changes to charges for services” (Constitution, page 41).

3. Background information

3.1 Overview of the work undertaken by the LA:

Department	Responsibility	Indicative internal cost (final costs to be determined)
WCC Legal Services	To act on behalf of WCC during the academy transfer process. Legal Services will be responsible for acting on behalf of WCC in preparation of the Commercial Transfer Agreement and Land Ownership Transfer Agreement (Lease).	<ul style="list-style-type: none"> • CTA – £1750 • Lease¹ – £1750 • Project liaison and administration - £500
WCC HR Services	The transfer of contracts of employment, historic terms and conditions, supporting staff and trade union meetings and payroll transfers to comply with TUPE regulations.	£1000 ²
WCC Finance	<ul style="list-style-type: none"> • Assist in the closure of old school accounts and determining the final schools balance • Ensure required closure processes are completed, e.g. bank accounts, purchase cards, petty cash and outstanding income • Managing the finance related processes for the LA when transacting with schools / Academies / DfE • Verification of any financial aspects of transfer negotiations. 	£1000
Project Coordination	Co-ordination of the conversion process which includes initial DfE response, school meetings and liaison with the DfE, external solicitors, Council officers and trust representatives.	£1000
Pensions and Payroll	Liaison with school and trust to transfer pensions and payroll arrangements, including managing any queries.	£750 ²
Total		£7,750

¹ these costs would not usually be incurred for Foundation schools

² these costs would not usually be incurred for Voluntary Aided or Foundation schools

3.2 On the basis of the table above, it is proposed that converting schools be charged the

following fees:

- Community and Voluntary Controlled Schools - £7,750*
- Voluntary Aided Schools – £6,000* (usually no requirement for HR-related expenses)
- Foundation Schools - £4,250* (usually no requirement for Lease agreement or HR-related expenses).

No fee would be charged to schools that become sponsored academies (i.e., as a result of a “forced” conversion by the DfE).

The fees would not be repaid to schools should the conversion be cancelled or postponed after receipt of the academy order.

Of the nine LAs that border Warwickshire, seven already levy a similar fee. Details of these are provided as a Background Paper.

* final level of fees still to be determined then agreed by Executive Director for Children and Young People

4. Financial Implications

4.1 **If all the remaining Warwickshire maintained schools choose to convert to academy status at a similar rate to that experienced so far, the proposal would generate total additional revenue of £746,500 over the next 16 years. Estimated average of £46,500 per year.** This is dependent on several factors including any future national policy to encourage or mandate academy conversion.

4.2 Fees received will be allocated to each internal service in line with the table on page 5.

5. Environmental Implications

None

Report Author	Rosalind Currie rosalindcurrie@warwickshire.gov.uk,
Director	
Executive Director	Executive Director for Children and Young People
Portfolio Holder	Portfolio Holder for Education

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

List of background papers

1. Conversion Fees currently charged by Neighbouring LAs

Members and officers consulted and informed

Portfolio Holder – Councillor Kam Kaur

Corporate Board – 29/04/2024

Legal – Peter Endall, Senior Solicitor, Caroline Gutteridge, Legal Service Manager
- Commercial & Regulatory

Governance Legal Team -

Finance –

Equality – Hannah Laurence

Democratic Services – Nicole Conway

Councillors –

Local Member(s):