

Written statement of a key decision
Cabinet

Title	16-19 Local Authority Commissioned SEN School: agreement to lease former Broadlands Primary School site
Decision maker	Cabinet Information about cabinet, including the names and contact details of the cabinet members, can be found here: http://councillors.herefordshire.gov.uk/mgCommitteeDetails.aspx?ID=251
Date of decision	18 January 2018
Report exemption class	Open
Reason for being a key decision	<p>This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.</p> <p>This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.</p>
A notice was served in accordance with Part 3 (Key decisions) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.	
General exception or special urgency (as defined in the constitution)	No
Purpose	<p>The council was successful in applying for a new government funded special free school to be established in Herefordshire. A competitive process is being undertaken to select the promoter for the new school, managed by the council in partnership with the Department for Education.</p> <p>Cabinet has previously agreed in principle to provide part of the former site of Broadlands Primary School to enable the creation of a new post 16 special school, to be created and funded through the government's free school programme. This report confirms that the council will provide the site to enable the new school building to be</p>

	<p>constructed.</p> <p>It is recommended that the management of the construction project be undertaken by the Education and Skills Funding Agency (ESFA), rather than Herefordshire Council in order to minimise any financial risk to the council.</p> <p>It is further recommended that cabinet approves the retention of that part of the Broadlands Primary School site not required for the new school for other education purposes or for development subject to future decisions being taken, including ensuring that full access is available to the retained area(s).</p>
<p>Decision</p>	<p>That:</p> <p>(a) the director for children’s wellbeing be authorised to agree heads of terms between the council and the Education and Skills Agency (ESFA) (on behalf of the Secretary of State) for the construction of a building to accommodate the new 16-19 Local Authority Commissioned SEN School</p> <p>(b) subject to the approval of the Secretary of State for Education to the appointment of a provider to:</p> <p>a. agree that part of the land identified at appendix 1 be approved for use by the appointed provider for a period of up to 125 years,</p> <p>b. the director for children’s wellbeing, following consultation with the solicitor to the council and chief finance officer, be authorised to take all operational decisions necessary to make the site available, including the agreement of a lease of up to 125 years for part of the former Broadlands site (as shown on the plan at appendix 1) of an area sufficient for a special school of 50 pupils to the successful promoter, the area being no less than 1 hectare as recommended in DfE Building Bulletin 104 – “Area Guidelines for SEND and Alternative Provision”, the remaining land to remain in the ownership of the council</p> <p>(c) the ESFA be requested to deliver the building project at its own risk with funding provided by the Secretary of State.</p>
<p>Reason for the decision</p>	<p>As set out in the report. Documents relating to this decision are available at</p> <p>http://councillors.herefordshire.gov.uk/mgIssueHistoryHome.aspx?IId=50024312</p>
<p>Options considered</p>	<p>1. The council could withdraw from the programme of new special free schools. This would mean that children and families in Herefordshire would not benefit from the proposed 16+ special free school, and would have no realistic alternative means of providing the same benefits from council resources. The council would be able to benefit from the site of the former Broadlands Primary School by selling it for development purposes. This</p>

	<p>option is not recommended as the value of the government investment in a new school would be significantly greater than the lost receipt.</p> <p>2. An alternative site could be considered. This option is rejected as the council does not own or control an alternative site of sufficient area (one hectare) centrally located in Hereford, with ready accessibility to mainstream post 16 provision. The process to select a provider has been conducted on the basis that the old Broadlands Primary School site would be made available; after Cabinet previously agreed to this “in principle”. Identifying another site at this stage would be extremely disruptive and might lead to the Secretary of State excluding Herefordshire from the current programme.</p> <p>3. An alternative approach would be for the council to deliver the construction of the new school building. Although the funding would still be provided by the ESFA, the risks associated with the project would rest with the council. These would include cost risks and risks associated with late delivery. This has been rejected in order to reduce risks to the council.</p> <p>4. A report setting out the appraisal of alternative sites is set out at Appendix 2, and these are discussed in the following section.</p>
Declarations of interest (see below)	
Call-in expiry date (decisions are not subject to call-in where special urgency provisions apply)	25 January 2018

Councillor:	Date 18 January 2018
Leader of the Council (Councillor AW Johnson)	

- a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision;
- and
- in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority’s head of paid service.