

Record of operational decision

Decision title:	Decision to fund £85,267.19 of Section 106 monies for “Education” (Early Years) towards the refurbishment of the existing nursery to accommodate 2 year-olds at Ashfield Park Primary School, Redhill Road, Ross on Wye, Herefordshire, HR9 5AU.																
Date of decision:	05 th October 2023																
Decision maker:	Service Director Education, Skills & Learning																
Authority for delegated decision:	Economy and Environment scheme of delegation line 71 Corporate Centre Directorate Scheme of Delegation line 159 Cabinet decision dated 02 March 2023 - Section 106 Portfolio of Works – S106 Delivery Proposals. Cabinet Report 02 March 2023																
Ward:	Ross on Wye East																
Consultation:	Internal consultation with Quentin Mee (Head of Educational Development, HC) Karen Knight (Sufficiency, Planning & Capital Investment Manager, HC) and Emily Garner (Early Years Lead Improvement Advisor, HC). External consultation with Steven Kendrick (Head teacher) and Alison Price (School Business Manager) at Ashfield Park Primary School.																
Decision made:	Decision to fund £85,267.19 of Section 106 monies for “Education” (Early Years) towards the refurbishment of the existing nursery to accommodate 2 year-olds at Ashfield Park Primary School, Redhill Road, Ross on Wye, Herefordshire, HR9 5AU.																
Reasons for decision:	<p>The Section 106 Contribution arises from two Section 106 legal agreements:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Planning Reference</th> <th style="text-align: left;">GT / FIN Code</th> <th style="text-align: right;">Contribution £</th> <th style="text-align: left;">Expiry Date</th> </tr> </thead> <tbody> <tr> <td>P140684/O</td> <td>GT05 FIN1962</td> <td style="text-align: right;">£50,704.26</td> <td>TBC</td> </tr> <tr> <td>P150930/210374</td> <td>GT05 FIN2170</td> <td style="text-align: right;">£34,562.93</td> <td>01/07/2032</td> </tr> <tr> <td colspan="4" style="text-align: center;">TOTAL £85,267.19</td> </tr> </tbody> </table> <p>From the Early Years contribution there has been no expenditure to date.</p> <p>The project is to fund the provision of additional space for the existing Nursery to accommodate 2-year olds. Upgraded toilets will be provided as well as an additional toilet cubicle for the 2-year-old room to incorporate changing facilities. A partition door will be installed between the two rooms, which can be closed to provide a quiet space for the 2-year olds or open to create a free flow area with the existing 3-year olds.</p> <p>This project will support the expansion of the Nursery to address the community desire to incorporate 2-year olds within our existing Nursery.</p> <p>In March 2023, a tendering exercise has been completed with three contractors returning competitive tenders:</p>	Planning Reference	GT / FIN Code	Contribution £	Expiry Date	P140684/O	GT05 FIN1962	£50,704.26	TBC	P150930/210374	GT05 FIN2170	£34,562.93	01/07/2032	TOTAL £85,267.19			
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Equality Considerations	<p data-bbox="475 353 1398 465">A valuation engineering exercise was completed confirming the total proposed cost for the project as £85,267.19 in line with expected total S106 Early Years contributions.</p> <p data-bbox="475 510 1171 544">A full tender report has been included as Appendix 1.</p> <p data-bbox="475 589 1406 701">We are therefore satisfied that a sufficient tendering exercise has been completed in accordance with Herefordshire Councils Contract Procurement Rules (CPR).</p> <p data-bbox="475 745 1463 813">It is recommended that Spa Gas Ltd are appointed as the main contractor for the completion of the works.</p> <p data-bbox="475 857 1457 936">Responsibility for monitoring the project and managing expenditure within the total spend budget is to be with the S106 Programme Manager.</p> <p data-bbox="475 981 655 1014">Equality duty</p> <p data-bbox="475 1059 1414 1126">Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:</p> <p data-bbox="475 1171 1453 1249">A public authority must, in the exercise of its functions, have due regard to the need to -</p> <ul data-bbox="475 1249 1433 1485" style="list-style-type: none"> a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. <p data-bbox="475 1529 1453 1753">The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.</p>								
Highlight any associated risks/finance/legal/considerations:	<ul data-bbox="480 1800 1442 2186" style="list-style-type: none"> • Delivery oversight – The project is fully funded by S106 contributions contribution but works on-site will be fully managed by Ashfield Park Primary School or their nominated representatives. Herefordshire Council will provide delivery oversight and assurance to ensure effective delivery. • Cost variation – Project has an assigned S106 budget, which it cannot exceed. • Unforeseen events/costs – Potential unknowns or unforeseen costs could lead to overspend. The S106 contribution is finite, any overspend would need to be provided through additional means. 								

Details of any alternative options considered and rejected:	Not to fund. This option is not recommended. Alternative projects were considered in conjunction with the school however this project was determined to be the best use of available funds.
Details of any declarations of interest made:	None declared.

Signed: Date: 05/10/2023

Print Name: Liz Farr