

## Record of operational decision

| <b>Decision title:</b>                   | Decision to fund up to £150,019.77 of Section 106 monies for “Education” (Primary) towards a detached single-storey building to provide new music room facility at Holmer C of E Academy, Holmer Road, Hereford, HR4 9RX.  |                    |               |                |             |        |          |             |            |       |          |         |            |                          |  |  |  |
|--|--|--------------------|---------------|----------------|-------------|--------|----------|-------------|------------|-------|----------|---------|------------|--------------------------|--|--|--|
| <b>Date of decision:</b>                 | 11/03/2024   |                    |               |                |             |        |          |             |            |       |          |         |            |                          |  |  |  |
| <b>Decision maker:</b>                   | Service Director Education, Skills & Learning  |                    |               |                |             |        |          |             |            |       |          |         |            |                          |  |  |  |
| <b>Authority for delegated decision:</b> | Economy and Environment scheme of delegation line 71<br>Corporate Centre Directorate Scheme of Delegation line 159<br>Cabinet decision dated 02 March 2023 - Section 106 Portfolio of Works – S106 Delivery Proposals.<br><a href="#">Cabinet Report 02 March 2023</a>   |                    |               |                |             |        |          |             |            |       |          |         |            |                          |  |  |  |
| <b>Ward:</b>                             | Holmer   |                    |               |                |             |        |          |             |            |       |          |         |            |                          |  |  |  |
| <b>Consultation:</b>                     | Internal consultation with Quentin Mee (Head of Educational Development, HC), Karen Knight (Sufficiency, Planning & Capital Investment Manager, HC) and Sarah Buffrey (Schools Organisation and Capital Investment Officer, HC).<br><br>External consultation with Jayne Maund (Head teacher) and Samantha Lewis (Holmer Academy Governor) at Holmer C of E Academy.   |                    |               |                |             |        |          |             |            |       |          |         |            |                          |  |  |  |
| <b>Decision made:</b>                    | Decision to fund up to £150,019.77 of Section 106 monies for “Education” (Primary) towards a detached single-storey building to provide new music room facility at Holmer C of E Academy, Holmer Road, Hereford, HR4 9RX   |                    |               |                |             |        |          |             |            |       |          |         |            |                          |  |  |  |
| <b>Reasons for decision:</b>             | <p>The project will deliver a new music studio (8m x8m) for pupils of the school. The studio will be used to teach music to children from Reception to Year 6, for after school music clubs and be used to teach music by peripatetic music teachers who visit the school. It will home the school’s steel band and other percussion instruments and drum kit.</p> <p>The project received planning consent in October 2023 under application number <a href="#">231473</a>. The planning decision notice and all approved plans have been contained with appendix 1.</p> <p>The project will be fully funded from three 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>184662</td> <td>FIN 2151</td> <td style="text-align: right;">£149,419.77</td> <td>03/05/2028</td> </tr> <tr> <td>19170</td> <td>FIN 2193</td> <td style="text-align: right;">£600.00</td> <td>12/09/2032</td> </tr> <tr> <td colspan="4" style="text-align: center;"><b>TOTAL £150,019.77</b></td> </tr> </tbody> </table> <p>From the above Primary contributions, there has been no expenditure to date.</p> | Planning Reference | GT / FIN Code | Contribution £ | Expiry Date | 184662 | FIN 2151 | £149,419.77 | 03/05/2028 | 19170 | FIN 2193 | £600.00 | 12/09/2032 | <b>TOTAL £150,019.77</b> |  |  |  |
| Planning Reference                       | GT / FIN Code  | Contribution £     | Expiry Date   |                |             |        |          |             |            |       |          |         |            |                          |  |  |  |
| 184662                                   | FIN 2151   | £149,419.77        | 03/05/2028    |                |             |        |          |             |            |       |          |         |            |                          |  |  |  |
| 19170                                    | FIN 2193   | £600.00            | 12/09/2032    |                |             |        |          |             |            |       |          |         |            |                          |  |  |  |
| <b>TOTAL £150,019.77</b>                 |  |                    |               |                |             |        |          |             |            |       |          |         |            |                          |  |  |  |

In October 2023, tenders were invited for the undertaking of creating a Music Room between the Williams Building and the 3/4 Block at the rear of the School:

| <b>Contractor</b>   | <b>Tender Figure (net of VAT)<br/>£</b> |
|---------------------|---|
| Smith Builders Ltd  | 212,742.44                              |
| P J B Merchants Ltd | 244,350.00                              |
| S C Joseph Ltd      | 254,662.94                              |
| C J Bayliss Ltd     | 267,541.00                              |

The tenders far exceeded the S106 allowance for this scheme, so a value engineering exercise was carried out identifying appropriate omissions and a revised cost established at £174,334.02. Holmer CE Academy will provide the additional contribution required. A full tender report has been included in Appendix 2.

It is therefore recommended that a contract is placed with Smith Builders Ltd for the undertaking of this scheme.

We are therefore satisfied that a sufficient tendering exercise has been completed in accordance with Herefordshire Councils Contract Procurement Rules (CPR).

The project programme aims to complete within 16 weeks of the agreed start date. Responsibility for monitoring the project and managing expenditure within the total spend budget is to be with the S106 Programme Manager.

**Equality Considerations**

**Equality duty**

Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- 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.

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.

**Highlight any associated risks/finance/legal/considerations:**

- Delivery oversight – The project is fully funded by S106 contributions contribution but works on-site will be fully managed by Holmer CE Academy’s appointed representatives. Herefordshire Council will provide delivery oversight and assurance to ensure effective delivery.

|  |   |
|--|---|
|  | <ul style="list-style-type: none"> <li>• Cost variation – Project has an assigned S106 budget, which it cannot exceed.</li> <li>• 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.</li> </ul> |
| <b>Details of any alternative options considered and rejected:</b> | <p>Not to fund.</p> <p>This option is not recommended.</p> <p>Alternative projects were considered in conjunction with the school however this project was determined to be the best use of available funds.</p>  |
| <b>Details of any declarations of interest made:</b>               | None declared.  |

Date: 11/03/2024

Print Name: Liz Farr – Director of Education, Skills and Learning