

Minutes of a meeting of the Cabinet held in Committee Room 1, County Hall, Chelmsford, CM1 1QH on Tuesday 26 February 2019

Present:

Councillor	Cabinet Member Responsibility
D Madden	Children and Families (Chairman)
S Barker	Customer and Corporate
R Gooding	Education and Skills
L McKinlay	Finance, Commercial and Traded Services
G Mohindra	Economic Development
J Spence	Health and Adult Social Care

Councillors T Ball, M Buckley, J Chandler, M Durham, A Hedley, I Henderson, M Mackrory, C Pond and A Turrell were also present.

1. Election of Chairman for the duration of the meeting

In the absence of the Chairman and Vice-Chairman, and upon the proposal of Cllr S Barker, duly seconded by Cllr J Spence, it was

Resolved:

That Councillor D Madden be elected Chairman for the duration of the meeting.

2. Membership, Apologies, Substitutions and Declarations of Interest.

The report of Membership, Apologies and Declarations was received and the following were noted:

1. There had been no changes in membership since the last meeting.
2. Apologies for absence had been received from Councillors D Finch (Leader of the Council), K Bentley (Deputy Leader and Cabinet Member for Infrastructure) and S Walsh (Cabinet Member for Environment and Waste).
3. There were no Declarations of Interest.

3. Minutes: 22 January 2019

The minutes of the meeting held on 22 January 2019 were agreed as a correct record and signed by the Chairman.

4. Questions from the public

None.

5. Fox Free School and Hawthorn Free School (FP/330/01/19)

The Cabinet's agreement was sought to enter into contracts to facilitate the construction of two new free schools in Chelmsford.

The Cabinet Member for Health and Social Care referred to the context in which the schools were being established, commenting that they would form part of a network across the County, reducing the numbers of children with special educational needs and disabilities who had to travel to school outside the County. This would in turn improve their quality of education, enabling them to live full lives. Once completed, this major investment would represent a significant achievement. These remarks were supported by the Cabinet Member for Education.

The significant support across the Council for the proposals referred to in this report (FP/330/01/19) and that following (FP/320/12/18 – minute 6 below refers) was acknowledged.

The following information was provided in response to questions by Councillors Henderson and Mackrory:

- Decisions concerning the appointment of Academy Trusts to run free schools were the responsibility of the Department for Education (DfE). The Beckmead Trust, appointed to run the Fox Free School, was well-regarded.
- The Cabinet Member for Education undertook to liaise with Councillor Mackrory outside the meeting concerning issues relating to the residential accommodation associated with the schools.
- Decisions relating to the inclusion of features specified in Government guidance for local authority new builds would be taken as part of the ongoing detailed design process.
- Despite a number of recent free school failures nationally, the Council was confident that the robust process existing in Essex, together with the significant need for the facilities and their central location, would reduce the risk as far as possible for both schools. They would contribute considerably to what was required, with the expectation that Essex would become one of the top counties in terms of its ability to offer in-county provision to children and young people with special educational needs and disabilities.
- Although there was no legal entitlement for academy governing bodies to include local authority-appointed governors, the Council worked closely with all academies in Essex as part of the ongoing support which it offered. Given the nature of the schools' provision in this case, parents were also likely to have significant involvement.

- Numbers of children identified as having special educational needs and disabilities were increasing, meaning that further investment in this type of provision was likely to be required in future.

Resolved:

1. That the need for increased SEND provision and the DfE's intention to establish two new SEND free schools in Chelmsford, as set out in report FP/330/01/19, be noted.
2. That grant funding of £15.126m be accepted from the DfE for the construction of Fox Free School (£7.578m) and Hawthorn Free School (£7.558m) at the former St Peter's College site via self-delivery by ECC.
3. That the indicative 2020/20 capital programme budget be reduced by £349,000 from £2.407m to £2.058m in line with the DfE grant allocation.
4. That the construction project be procured through a design and build mini competition using the DfE Construction Framework using the evaluation criteria prescribed by the framework (60% quality and 40% price).
5. That authority be delegated to the Head of Infrastructure Delivery to award the contract to the successful bidder or bidders, when he is content that the following conditions have been met for both proposals:
 - Satisfactory planning permission has been granted
 - The construction costs are within the agreed budget and represent value for money
 - A funding agreement with the DfE is in place.

6. Proposed Chatten Free School, Witham (FP/320/12/18)

The Cabinet's agreement was sought to self-deliver the construction of the Chatten Free School, noting that the DfE would provide a capital grant of £7.686m to meet the full cost of construction and that the construction project would be procured via the DfE Construction Framework. Agreement was also sought to amend the indicative 2020/21 capital programme budget to reflect the DfE grant allocation from £2.477m to £2.621m, thereby bringing the total capital cost of the project to £7.686m in line with the DfE grants.

The Cabinet Member for Education responded as follows to questions by Councillors Henderson, Mackrory and Pond:

- Although the location of the school would result in some loss of outdoor space for the adjacent New Rickstones Academy (whilst still providing sufficient for their purposes), it would also offer benefits, for example in terms of sharing professional expertise to the advantage of pupils with autism who were being educated in a mainstream environment.
- Growing numbers of children were being diagnosed with autism. The increase in dedicated provision within the County would not only augment the level of expertise within the schools themselves, but also improve access to support for mainstream schools with children with autism on roll.
- A 125-year lease of the land on which the school was situated would be entered into with the Multi Academy Trust (MAT) once construction had been completed. The organisational structure supporting the MAT was sufficiently robust.

Resolved:

1. That the need for increased SEND provision and the DfE's intention to establish a SEND free school in Essex be noted.
 2. That grant funding of £7.686m be accepted from the DfE for the construction of Chatten Free School, Witham via self-delivery by ECC.
 3. That the 2020/21 capital programme budget be amended to reflect the DfE grant allocation from £2.477m to £2.621m. This addition brings the total capital cost of the project to £7.686m in line with the DfE grant.
 4. That the construction project be procured through a design and build mini competition using the DfE Construction Framework.
 5. That authority be delegated to the Head of Infrastructure Delivery to award the contact to the successful bidder, when he is content that the following conditions have been met:
 - Satisfactory planning permission has been granted
 - The construction costs are within the agreed budget and represent value for money
 - A funding agreement has been signed with the Education and Skills Funding Agency
 - ECC has control of the site and any lease has been surrendered.
- 7. Education and Community Travel Contract Extensions and Awards 2019 (FP/305/11/18)**

The Cabinet's approval was sought to the extension and procurement of education transport contracts, including the provision of travel allowance,

hired transport and public transport tickets, which are due to expire in July 2019, totalling £25.460m. Agreement was also sought for action to ensure that suitable transport arrangements are in place for September 2019 onwards, to fulfil the Council's statutory and policy-based obligations to provide transport to school for children meeting the eligibility criteria.

The Cabinet Member for Education provided responses as follows to questions by Councillors Mackrory, Pond and Turrell:

- The performance and cost of contractors were under constant review and would be taken into account in reaching decisions on suitability for contract extension. The Cabinet Member undertook to reply to Cllr Mackrory outside the meeting regarding the issue he had raised concerning a particular contractor.
- Contractors were not obliged to accept the extension of a contract if offered. If they elected not to do so, the contract would be retendered in time to assure continuity of provision in line with the Council's statutory duty.
- It was sensible to extend contracts for as long as the contractors concerned were able to offer an effective package and high-performance with no cost increase. Negotiations would proceed on the basis identified within the report.

Resolved:

1. That the Director, Highways and Transportation, be authorised to extend for one year any education transport contracts which expire in July 2019 where extension is permitted under the terms of the contract and where he considers this to be in the Council's best interests.
2. That the Director, Highways and Transportation, be authorised to procure new contracts via the Council's existing dynamic purchasing system where extension as per as per Resolution 2 above is not permitted or where extension if not considered to be in the Council's best interests. Any such new contract is to be for a period determined by the Director, Highways and Transportation initially for a maximum of three years, where relevant, on terms which give the Council the right to extend for up to a further three years.

8. Decisions taken by or in consultation with Cabinet Members (FP/366/01/19)

The report of decisions taken by or in consultation with Cabinet Members since the last meeting of the Cabinet was noted.

9. Date of Next Meeting

It was noted that the next meeting of the Cabinet would take place on Tuesday 19 March 2019 at 10.00am in Committee Room 1 at County Hall, Chelmsford.

There being no further business, the meeting closed at 10:26am.

**Chairman
19 March 2019**