



Essex County Council

Cabinet

10:15	Thursday, 15 December 2022	Council Chamber County Hall, Chelmsford, CM1 1QH
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For information about the meeting please ask for:

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Essex County Council and Committees Information

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Pages

*** Meeting Arrangements**

In accordance with paragraph 14.7 of the Council's Constitution, the Leader has agreed that all members may take part in the meeting and vote if they are present via Zoom. The link to the Zoom meeting has been sent to members separately. Members of the public may watch on YouTube and there will of course be the normal public access to the meeting room in County Hall, from which any member of the public may observe the meeting and make representations.

1	Membership, apologies, substitutions and declarations of interest	5 - 5
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2	Minutes: 15 November 2022	6 - 7
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3 Questions from the public

A period of up to 15 minutes will be allowed for members of the public to ask questions or make representations on any item on the agenda for this meeting. No statement or question shall be longer than three minutes

and speakers will be timed.

On arrival, and before the start of the meeting, please register with the Democratic Services Officer.

4 Expansion of The Beaulieu Park School by 420 8 - 19
Primary Places (FP/526/10/22)

The Equality Comprehensive Impact Assessment (ECIA) is available [online](#) – please scroll to bottom of page.

5 Decisions taken by or in consultation with Cabinet 20 - 22
Members (FP/549/11/22)

6 Date of next meeting

To note that the next meeting of the Cabinet will take place at 10.15am on Tuesday 17 January 2023 in the Council Chamber at County Hall, Chelmsford, CM1 1QH

7 Urgent Business

To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

Exempt Items

(During consideration of these items the meeting is not likely to be open to the press and public)

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or not the press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

That the press and public are excluded from the meeting during the consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information falling within Schedule 12A to the Local Government Act 1972, the specific paragraph(s) of Schedule 12A engaged being set out in the report or appendix relating to that item of business.

8 Confidential Appendix: Expansion of The Beaulieu Park School by 420 Primary Places (FP/526/10/22)

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

9 Urgent Exempt Business

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

Committee: Cabinet

Enquiries to: Emma Tombs, Democratic Services Manager
Emma.tombs@essex.gov.uk

Membership, Apologies, Substitutions and Declarations of Interest

Recommendations:

To note:

1. Membership as shown below
2. Apologies and substitutions
3. Declarations of interest to be made by Members in accordance with the Members' Code of Conduct

Membership
(Quorum: 3)

Portfolio

Cllr Kevin Bentley	Leader of the Council (Chairman)
Cllr Louise McKinlay	Deputy Leader and Community, Equality, Partnerships and Performance (Vice-Chairman)
Cllr Tony Ball	Education Excellence, Life Long Learning and Employability
Cllr Malcolm Buckley	Waste Reduction and Recycling
Cllr Graham Butland	Devolution, the Arts, Heritage and Culture
Cllr Beverley Egan	Children's Services and Early Years
Cllr Lee Scott	Highways Maintenance and Sustainable Transport
Cllr John Spence	Adult Social Care and Health
Cllr Lesley Wagland	Economic Renewal, Infrastructure and Planning
Cllr Chris Whitbread	Finance, Resources and Corporate Affairs

Minutes of a meeting of the Cabinet that took place in the Council Chamber at County Hall on Tuesday 15 November 2022

Present:

Councillor	Cabinet Member Responsibility
Cllr Kevin Bentley	Leader of the Council (Chairman)
Cllr Louise McKinlay	Deputy Leader and Cabinet Member for Community, Equality, Partnerships and Performance (via Zoom)
Cllr Malcolm Buckley	Waste Reduction and Recycling
Cllr Beverley Egan	Children's Services and Early Years
Cllr Lee Scott	Highways Maintenance and Sustainable Transport
Cllr John Spence	Health and Adult Social Care
Cllr Chris Whitbread	Cabinet Member for Finance, Resources and Corporate Affairs

Cllrs Mark Durham, Mike Mackrory, Mark Platt, Peter Schwier, Alan Goggin, Ian Grundy, Anthony McQuiggan, Marshall Vance, Bob Massey, Carlo Guglielmi and Laureen Shaw were also present. Cllrs Chris Pond and David King attended remotely, via Zoom.

1. 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 of membership since the last report.
2. Apologies for absence had been received from Councillors Tony Ball, Cabinet Member for Education Excellence, Lifelong Learning and Employability, Graham Butland, Cabinet Member for Devolution, the Arts, Heritage and Culture and Lesley Wagland, Cabinet Member for Economic Renewal, Infrastructure and Planning.
3. There were no declarations of interest.

2. Minutes: 18 October 2022

The Minutes of the previous meeting, held on 18 October 2022, were approved as a correct record and signed by the Chairman.

3. Questions from the public

None.

4. Integrated Health and Justice Service Contract Extension (FP/508/09/22)

The Cabinet received a report seeking agreement to extend the contract for the Integrated Health and Justice Service for two years beyond the expiry of

the current contract on 31 March 2023. The extension would commence on 1 April 2023 and run for 24 months, at a total cost of £7, 969,000.

The Cabinet Member for Health and Adult Social Care responded to questions from Councillors Mackrory, Henderson, Pond and King in relation to:

Some incomplete wording at paragraph 4.2 in respect of the Council's ambition to be net carbon neutral by 2030;
The deployment of staff in custody settings;
The nature of the issues in some parts of the operation described at paragraph 3.8;
How this provision sat within the wider justice landscape with regard to general offending, rather than reoffending;
The effectiveness of the provision with regard to preventing reoffending; and
The possibility of expanding the provision.

A written response would also be provided to Councillor Mackrory regarding whether or not Youth Offending Teams had a role within the service.

Resolved:

Agreed to extend the current Integrated Health and Justice contract with the Essex Partnership University NHS Foundation Trust (EPUT) for a further 24 months commencing on 1 April 2023 at a cost of £7,969,000 for a further 24 months (£3,985,000 per annum)

5. Decisions taken by or in consultation with Cabinet Members (FP/528/10/22)

Councillor Mackrory asked the Leader of the Council whether a response had been received in relation to FP/535/10/22 Investment Zones Expression of Interest Submission. The Leader advised that the formal response was still awaited.

The report was noted.

6. Date of the next meeting

The next meeting of the Cabinet was scheduled at 10.15am on Thursday 15 December 2022 at County Hall, Chelmsford, CM1 1QH.

7. Urgent business

There was no urgent business.

There being no further business, the meeting closed at 10.40am.

Forward Plan reference number: FP/526/10/22

Report title: Expansion of The Beaulieu Park School by 420 primary places on a phased basis with effect from September 2024	
Report to: Cabinet	
Report author: Councillor Tony Ball, Cabinet Member for Education Excellence, Lifelong Learning and Employability	
Date: 15 December 2022	For: Decision
Enquiries to: Mark Pincombe - School Organisation Officer, mark.pincombe@essex.gov.uk	
County Divisions affected: Springfield	

Confidential Appendix

This report has a confidential appendix which is not for publication as it includes exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

1. Everyone's Essex

1.1 Increasing primary school provision by expanding The Beaulieu Park School delivers on all four strategic aims identified in Everyone's Essex – Our plan for levelling up the county: 2021-2025. These will include:

- Delivering **infrastructure** to support new homes and communities. The school is in an area of growth and expanding education infrastructure will have the outcome of ensuring that high quality local educational facilities are provided to match new housing.
- Achieving **net-zero**. The new buildings will have a net-zero design, and so will have the outcome of generating renewable energy and using energy efficient construction methods to mitigate their carbon impact. Enabling active travel will also facilitate a reduced reliance on motor travel and its associated carbon impact.
- Enabling **healthy lifestyles**. Providing local school places, along with the measures included to enable and promote active travel, will have the outcome of enabling the inclusion of activity and exercise as part of the journey to and from school.
- Supporting high quality **education outcomes**. With the new provision, the new high quality facilities will have the outcomes of ensuring children are able to learn, and teachers able to teach, in the most conducive environment for success.

1.2 If the recommended option is approved, Essex residents in the Greater Beaulieu and Springfield area will benefit from additional, high quality primary provision becoming available in their area from September 2024, increasing their chances of gaining local places for their children in preferred schools.

- 1.3 Expansion of the primary provision at Beaulieu Park School on a new site represents a capital investment in its local community. It will deliver a modern, high quality learning environment for pupils, promoting engagement during those vital early years of schooling and thus increasing the likelihood of future prosperity.

2 Recommendations

- 2.1 Agree to support the expansion of The Beaulieu Park School by increasing primary aged capacity from 420 places (2 forms of entry) to 840 places (4 forms of entry) on a phased basis with effect from September 2024.
- 2.2 Approve the capital budget for construction and associated project fees as profiled in the Confidential Appendix.
- 2.3 Agree that the Head of Infrastructure Delivery is authorised to award the contract for the new build of Beaulieu Park School on the new S106 site when he is content that the following conditions have been met:
 - a) a satisfactory planning permission has been granted;
 - b) the construction costs are within the agreed budget as stated within the Confidential Appendix and represent value for money; and
 - c) arrangements are in place for the end user(s) of the building to be provided with collateral warranties by the principal contractors.

3 Background and Proposal

Meeting the demand for school places

- 3.1 The demand for school places continues to grow within the administrative area of the Council and ECC has a duty to ensure that there are sufficient school places for children living in the County. In executing these responsibilities, ECC also seeks to add value to the educational offer that can be made to parents and carers within a local area, to ensure that learners receive the best possible outcomes from their time in formal education.
- 3.2 The Springfield area of Chelmsford is growing as a result of house building activity especially on the Greater Beaulieu development. Projected pupil numbers, as set out within the Council's latest school place planning document (10 Year Plan - Meeting the demand for school places in Essex, 2021-2030), show a sharp rise over the next few years and these children should ideally be accommodated within local schools.
- 3.3 Should these places not be provided locally then there is a strong possibility that increased car journeys will need to be made outside the local area, in order for parents to secure a preferred primary school placement. However, by including provision that sits directly within the area of demand, it is not unreasonable to see this as the more sustainable solution, with children able to walk, cycle or scoot to their local school, with the associated health benefits this brings. It will

also reduce unnecessary car journeys and the associated congestion and carbon impact. Such methods of active travel will be supported by the design and facilities of the new school buildings.

ECC officers, after consulting with the Department of Education, have considered the options on how to provide the additional places needed in the area including expansion of The Beaulieu Park School, expansion of other local schools, and consideration of a new primary school. The decision to consult on the proposed expansion of The Beaulieu Park School was taken after considering the potential benefits of an all through education (as detailed in the consultation document) and that by providing an additional 2 forms of entry at primary level (4 forms at primary level in total) there would be a closer match to the 6 forms of entry currently offered at secondary level at The Beaulieu Park School.

- 3.4 Beaulieu Park School is the first all through state school in Essex. The primary school element (60 places per year) opened in 2018. The secondary school element (180 places per year) opened in September 2019. Due to increased demand from the Greater Beaulieu housing development, The Beaulieu Park School, with support from ECC, offered an additional 30 primary places in the Reception year for September 2021, and again in September 2022. A second primary school site large enough to accommodate buildings for 420 primary school places was secured as part of a s106 agreement for the Greater Beaulieu housing development. This new S106 site will be used for the proposed new building to accommodate the expansion of The Beaulieu Park School creating a split school site. This, together with the existing site, will provide a total of 840 primary school places.
- 3.5 The proposed expansion of The Beaulieu Park School is to achieve net-zero carbon design and this supports the strategic aim of Everyone's Essex to create a high-quality environment by reducing carbon emissions.
- 3.6 There is a growing demand for primary school places within Springfield, the relevant planning group. The ongoing deficit of places in the area over the next ten years is illustrated by the following table should no mitigation be forthcoming. The proposed expansion will add 30 places per year initially, rising to 60 places per year once the demand rises. The places created by the expansion will ensure there is no deficit of primary school places in the local area for the foreseeable future. This includes the demand for places that arise outside of the normal admissions cycle. For example, from families moving into the local area throughout the year.

3. Springfield

Current PAN: 420
Current Capacity: 3148

Reception Place Forecast

Year	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31
+/-	61	34	26	11	2	-5	-14	-24	-36	-46
Barnes Farm Infant, Barnes Farm Junior, Beaulieu Park School, The Bishops CE & Catholic Primary, Chancellor Park Primary, Perryfields Infant, Perryfields Junior, Springfield Primary, Tyrrells Primary										

- 3.7 The proposal to increase the number of primary school places available by expanding The Beaulieu Park School by two forms of entry as a split school site will ensure that more local children can access a local school place. It will provide more places to meet the growing demand in the area particularly demand from the Greater Beaulieu housing development.
- 3.8 The Greater Beaulieu housing development has planning permission for approximately 3600 homes. A s106 agreement is in place and provides a second site for a new primary provision and a contribution for the construction of the new provision. This site will be used for the expansion of The Beaulieu Park School.
- 3.9 ECC can provide additional school places either by supporting the expansion of one or more existing establishments or by creating a new school through the 'free school presumption' process which is detailed in section 6A of the Education Act 2011.
- 3.10 The potential impact of expanding The Beaulieu Park School on other local schools has been taken into account. The demand in the area will be closely monitored and ECC will recommend that the expansion is limited to an additional 1FE (30 additional places) until demand shows the need for 2FE (60 additional places), currently anticipated in 2026 or 2027. It is anticipated that The Beaulieu Park School will grow on a phased basis, as it admits up to 30/60 additional pupils into its Reception Year cohort year-on-year.
- 3.11 A consultation on the proposed expansion was conducted by ECC between 23 May 2022 and 11 July 2022 with consultation documents being made available online and sent to interested parties via email. Drop in sessions were also offered to interested parties. Responses to the consultation could be made through the organised information sessions and/or via the electronic response form, and by letter or email.
- 3.12 A total of 383 responses were received during the consultation period with 292 in favour of the proposal and 91 not supporting the proposal. 47% of those supporting the proposal were local parents/carers. 29% of those not supporting the proposal were local parents/carers.
- 3.13 Of those that did not support the proposal, and stated their reasons, the main reasons given, and ECC officer responses, are detailed below:

The new provision should be run by a different sponsor

Ten respondents expressed concern that the new provision would be run by the same, existing, sponsor and felt it would be better for the local community to have a second primary school run by a different sponsor, a different senior leadership team, and with a potentially different ethos, to allow local parents more choice in the type of school they wish to send their children to.

It is a viable option to run a presumption process for a stand alone primary school but it is not possible to state that the new provision would be sponsored by a different Academy Trust to the existing school. All Academy Trusts would be entitled to apply to sponsor the new provision through the presumption

process.

The Beaulieu Park School is sponsored by the Chelmsford Learning Partnership (CLP). CLP currently sponsors three secondary schools, two primary schools, two infant schools, and one junior school. The Council's Education service, and the DfE, have not expressed any concerns around the performance of CLP or the schools that they currently sponsor. The expansion of The Beaulieu Park School to a split school site would enable a closer match in terms of primary and secondary school numbers which will enable the school to maximise the benefits of the 'all through' provision provided.

The new provision should be run by New Hall Independent School's Academy Trust (NHMAT)

Thirty nine respondents stated that the new provision should be a stand alone school and run by the NHMAT. Reasons given for this were the close proximity of New Hall School and the new education site (they are adjacent), the excellent facilities available at New Hall School which could be shared by the new provision, and the educational performance of New Hall School.

NHMAT have run a significant campaign to outline the potential benefits of the new provision being run by them and have encouraged parents/local residents to oppose the proposal to expand The Beaulieu Park School.

Irrespective of the support for this option, it is not possible to direct award new provision to a particular sponsor. A competitive presumption process would need to be undertaken in which all Academy Trusts/ stand alone Academies could submit an application and, following a recommendation from ECC, the Secretary of State for Education would make a final decision. As stated above, it is a viable option to run a presumption process for a stand alone primary school but the benefits of all through provision could be lost.

If NHMAT was successful in the event of a presumption process, they may be able to replicate some of the benefits of all-through provision through shared resource with New Hall School. However, this needs to be weighed against the risk that neither NHMAT or CLP are successful in their bid to sponsor the new school.

The new provision should not be part of a split site school

Twelve respondents stated that the new provision should be a stand alone primary school and not part of a split site school. Concerns raised were the distance between the two sites, how two sites could be managed by one leadership team, how drop off and pick up of children would work, and the increase in traffic.

ECC and CLP are fully aware that there are concerns regarding how a split site school would work and the implications for parents. If the proposal to expand The Beaulieu Park School is agreed, CLP would then need to undertake their own consultation with the local community and this would include final details on how the split site would be managed. However, CLP have confirmed that, at the current time, their thinking is that the school will use the new build for KS1 and

the existing build for KS2. They have stated that using the site in this way presents some significant advantages:

It will allow a specialised approach in both buildings i.e. Key Stage / Phase experts positioned so that the education provision is highly focused and outcomes maximised;

The Beaulieu Park School will have more phase experts in each building than could be achieved by two separate primary schools;

Children will be mixing with a narrower age range and developing their social and emotional selves in an age appropriate setting and this is highly desirable from a developmental perspective;

The schools secondary facilities are primarily with our older children and this will be maintained by using the existing primary build for KS2 i.e., they will routinely use the secondary facilities as they do now for Sport, Food tech, Computing, Art, Music etc;

Secondary, subject specific teaching expertise will be shared across both sites, but all juniors will have regular access to secondary teacher delivery, aiding transition to secondary school and fostering the all-through ethos;

In addition CLP have confirmed that school start and finish times will be staggered so parents that have children in different year groups will not have to be in two places at once. The school already has many families with primary aged pupils in different schools (as The Beaulieu Park School does not currently have all year groups) and this is managed well.

The two sites are 1.6km apart (shortest walking route) and well connected by foot and cycle routes for active travel, and road if necessary. The time taken to walk between sites is approximately 20 minutes. As The Beaulieu Park School offers extensive before and after school services, there will be appropriate flexibility for parents to manage split site drop-off and pick-up.

A split site school should not increase overall traffic in the area compared to a stand alone new school. The overall number of pupils attending the two sites will be the same irrespective of how the new provision is provided.

Concerns around traffic and/or parking

Eighteen respondents expressed concern regarding increased traffic and parking issues in the local area.

It is a common issue that schools are located in residential areas and experience high volumes of traffic at the beginning and end of the school day. However, the new primary provision is required due to new housing and providing a school on the new development will minimise any increase in motor vehicle movements. The project scope will include the integration with the external walking and cycling network, alternative pedestrian entrances where possible, the provision of distinct cycle and scooter storage facilities, all to further encourage non-car

use as modes of transport to getting to school. CLP and the school staff will be working with ECC on a school travel plan, which can be successful in mitigating any increase in traffic movements.

It should be noted the extensive network of active travel routes throughout Beaulieu provide a realistic opportunity to promote and achieve high levels of active travel and minimise road use for travel to school.

- 3.14 The Beaulieu Park School has agreed to move forward with the expansion process. If the proposal in this report is agreed, CLP will prepare a business case for submission to the DfE seeking permission to expand the school.

Delivering the new buildings

- 3.15 The Essex Construction Framework is a framework agreement set up by ECC with principal contractors appointed to the framework to carry out design and construction related works. The framework uses a two-stage mini-competition process to select the successful contractor. Following completion of the first stage of the tender process, a Pre-Construction Agreement is entered into which requires the successful contractor to develop their design and apply for planning permission. A construction contract is then entered into following completion of the second stage of the tender process which requires the submission of the Final Tender Submission from the Contractor.
- 3.16 Contractors on the Essex Construction Framework were invited to tender for the first stage of the mini competition for the proposed school expansion. These responses were evaluated using a 50% cost and 50% quality split. Following evaluation of all of the bids received, a Pre-Construction Agreement was entered into with R G Carter Southern Limited, the successful contractor, to enable them to work up their design and start the planning approval process. This agreement does not oblige ECC to enter into a works contract with R G Carter Southern Limited only for the contractor to complete the pre-construction phase. Once the design has been finalised and planning permission obtained, R G Carter Southern Limited will be asked to submit a Final Tender.
- 3.17 The Final Tender submission will be assessed, and a construction contract will be awarded subject to the project being within budget, quality criteria being satisfactorily met, and the contractor having achieved planning approval.

4 Links to our Strategic Ambitions

- 4.1 This report links to the following aims in the Essex Vision:

- Provide an equal foundation for every child
- Develop our County sustainably
- Share prosperity with everyone

4.2 Approving the recommendations in this report will have the following impact on the Council's ambition to be net carbon neutral by 2030:

- The School will benefit from a building that includes zero carbon enhancements to the specification, which will contribute to ECC's aspiration to reduce its carbon footprint, working towards its net zero targets. Any reductions saved through cost avoidance could be reinvested into resources that improve the delivery of the curriculum, thereby improving education outcomes for young people.
- Building performance data and energy use/generation will be monitored post-completion to determine the effectiveness of the net zero measures and the financial benefit they provide to the academy running the School. This will inform ECC's approach to funding net zero buildings, and its view on whether or not schools could reasonably be asked to contribute towards the cost of net zero on a return on investment basis.
- The aspiration to achieve zero carbon in the project specification is consistent with ECC's emerging commitment towards commissioning zero carbon buildings as referenced in the climate change commission report presented to ECC. The proposed Net zero enhancements will consist of PV, LED lighting and Air Source Heat Pumps.
- Building to the 2050 weather file helps mitigate the risks of future overheating, and the use of the weather data files enables designers to test their building models against a variety of weather scenarios and predictions for UK summer temperatures. This means buildings can be designed to be more sustainable and resilient to current and future weather conditions.
- Considerations within the modelling process to avoid overheating and also improve energy efficiency, aligned with the Department for Education (DfE) guidance of a fabric first approach, would include, building orientation, building form, thermal mass of the building fabric, high insulation, increased airtightness, optimising solar gain and natural ventilation.
- Including provision that sits directly within the area of demand will reduce car journeys, reducing congestion and the subsequent impact that that has upon public health and reduce the carbon impact on the environment.

4.3 This report links to the following strategic priorities in 'Everyone's Essex':

- A strong, inclusive and sustainable economy
- A high-quality environment
- Health wellbeing and independence for all ages
- A good place for children and families to grow

5 Options

5.1 Option 1 – Support the expansion of The Beaulieu Park School by 420 primary phase places on a phased basis with effect from September 2024 – Recommended Option

5.1.1 This proposal is part of the overall strategic response to meet the need for additional school places.

5.1.2 Support for the expansion of The Beaulieu Park School is intended to ensure that local children have the opportunity to access a local school and, as the need for these places is driven by local housing within the town, these children will live within walking distance of the school and a safe walking route will exist for them to get there on foot, bicycle or scooter. In addition, ECC has dedicated officers who assist schools in drawing up travel plans, and this resource will be available to the school should it be needed to mitigate the impact of travelling to the site by car.

5.1.3 The majority of respondents to the consultation on this matter supported the expansion of The Beaulieu Park School.

5.1.4 The outcome of the strategic analysis indicated that the expansion of The Beaulieu Park School is a viable option that represented good value for money.

Option 1 is therefore the recommended option.

5.2 Option 2 – Establish a new primary school by running the free school presumption process

5.2.1 This is an option but was not supported by the majority of the respondents to the consultation and would not provide the benefits of all through education. In addition, there would be no certainty over which sponsor would be selected to run the school. Accordingly, establishing a new primary school is not the recommended option.

5.3 Option 3 – Expand an alternative school

5.3.1 The Beaulieu Park School is the closest school to the area of need. Expanding an alternative school would require children having to travel further to access a school place and therefore increase traffic. Accordingly, expanding an alternative school is not the recommended option.

5.4 Option 4 – Do nothing

5.4.1 There is a growing need for primary school places within the area, and the Council is under a duty to make sure that a school place is available for each child within its administrative area that requires one. Not providing sufficient local school places would lead to children having to travel much further to access a school place. While we cannot be certain of the amount of pupils that would be eligible for funded home to school transport, at the current average cost of provision the cost to the Council could potentially grow to £1.14m per year. If even a quarter of pupils needing to travel further to find a school place were

eligible for home to school transport, this would equate to an annual revenue cost of up to £285,431. Accordingly, taking no action is not the recommended option.

6 Issues for consideration

6.1 Financial implications

Capital

6.1.1 Please see the Confidential Appendix for capital financial information.

Revenue

6.1.2 School revenue budgets are funded from the Dedicated Schools Grant (DSG) and are based on pupil numbers in the October prior to the start of the financial year. For new academies, in the first year of operation the LA confirms a funding allocation based on estimated numbers across the year groups that will open in the first year of operation. The DfE allows basic need growth to be funded by the Essex Formula for Funding Schools and the difference between estimated pupils and the October Census is added to the number on roll which will generate additional funding in an academic year to ensure the school has sufficient resources to provide the required number of classes. At the end of the approved growth period the school will be funded on actual pupil numbers.

6.1.3 £284,000 will be allocated from the Dedicated Schools Grant (DSG) revenue funding for furniture and equipment.

6.1.4 It is not considered that this scheme will increase Home to School transport costs as it fulfils the demand needs in its local area.

6.1.5 There are no staff transfer issues as this is an expansion of an existing school. Staffing for the new provision will be decided by the sponsor and will be funded by the academy budget via the Education and Skills Funding Agency. There will be no staffing implications for ECC staff, apart from funding from the Growth Fund, which is part of the DSG, for pre-opening resource costs within the start-up grant.

6.1.6 ECC is required to make provision in its Growth Fund, which is part of DSG, to support increases in pupil numbers relating to basic need.

6.2 Legal implications

6.2.1 ECC has a statutory duty to commission supply of school places. ECC is responsible for funding the 'basic need' provision of additional school places in Essex at all schools, including academies.

6.2.2 As an academy school, ECC does not control the size of the school or the expansion process which is for the Academy Trust and the Department for

Education to agree and approve.

6.2.3 ECC will be required to grant an academy lease of the land to the Academy Trust.

6.2.4 ECC must comply with the terms of the Framework Agreement when awarding a contract for the construction works. Since the Academy Trust will not be a party to the construction contract, it will be necessary for the contractor to provide collateral warranties instead.

6.2.5 The premises to be provided will need to meet the statutory requirements of the Education (School Premises) Regulations 1999.

7 Equality and Diversity Considerations

7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

8 List of Appendices

8.1 Appendix 1 – Confidential Appendix

8.2 Appendix 2 – Equality Impact Assessment

9 List of Background papers

9.1 Consultation document

9.2 Summary of consultation responses

9.3 10 Year Plan - Meeting the demand for school places in Essex, 2022-2031

Report title: Decisions taken by or in consultation with Cabinet Members	
Report author: Secretary to the Cabinet	
Date: 15 December 2022	For: Information
Enquiries to: Emma Tombs, Democratic Services Manager, 03330 322709	
County Divisions affected: All Essex	

The following decisions have been taken by or in consultation with Cabinet Members since the last meeting of the Cabinet:

Leader of the Council

FP/563/11/22	UK100 Membership
*FP/509/09/22	Revised ENCTS reimbursement payments to bus service operators 2023/2024

Deputy Leader & Cabinet Member for Community, Equality, Partnerships and Performance

*FP/516/09/22	Extension to the Household Support Fund: Funding to Support Families and Vulnerable Adults
FP/552/11/22	Local Levelling Up Fund: Second round of funding proposals
FP/553/11/22	Mobile library timetable – amendments
*FP/491/08/22	Introduction of Home Office visa and citizenship application service to Chelmsford Library
FP/567/11/22	Approval of Community Challenge Fund (CCF) Applications
FP/569/11/22	Increasing Payments to Homes for Ukraine Sponsors
FP/578/11/22	Approval of Community Challenge Fund (CCF) Applications

Cabinet Member for Economic Renewal, Infrastructure and Planning

FP/576/11/22 Essex policy and guidance for Nationally Significant Infrastructure Projects (NSIPs)

Cabinet Member for Finance, Resources and Corporate Affairs

FP/550/11/22 Funding for Corporate Flu Vaccination Programme 2022 – 2023

FP/551/11/22 Drawdown from the Levelling Up fund of the Everyone's Essex Reserve for a Pilot EV Project in Harlow

FP/557/11/22 Drawdown from Reserve for Funding for Transformation Programme Shaping Support

FP/560/11/22 Drawdown from the Everyone's Essex Reserve: Climate Action Plan (Maintenance Green Streets Initiative)

FP/561/11/22 Resources for Childrens Residential Care Programme. Drawdown of additional funding from the Children's Transformation Reserve.

FP/562/11/22 Tending Levelling Up Project

***FP/527/10/22** Technology Services Enabling Technology Programme – Resourcing the Programme Team

FP/577/11/22 Amendments to Community Challenge Fund (CCF) allocated funds to support the Cost of Living Strategic (COLS) Group

Cabinet Member for Health and Adult Social Care

FP/554/11/22 Integrated Sexual Health Service – Contract Award

***#FP/547/11/22** Procurement of a new Integrated Community Equipment Service contract for 2023–2028 – proposed changes in procurement approach

FP/558/11/22 Award of contract for accommodation-based support for people with mental health needs – Intensive Assessment Beds

***FP/531/10/22** Extension of contract for employment support for individuals who experience mental ill health

FP/582/12/22 Grant Funding for Digital Social Care Records

Cabinet Member for Highways Maintenance and Sustainable Transport

FP/548/11/22	Proposed 'Raised Table' on Barbroke Lane, and Grove Road, in the City of Colchester
FP/575/11/22	Proposed Relocation of Disabled Parking Bay in Abbotsweld, Harlow
*FP/484/08/22	Annual review of the Essex Bus Service Improvement Plan 2022
*FP/210/11/21	Adoption of Essex Flood Risk Management Plans (Anglian & Thames)

*** Key Decisions 8**

#Exempt from 28-day period and call in: 1