

## NORTH SOMERSET COUNCIL DECISION

**DECISION OF: DIRECTOR OF CHILDREN'S SERVICES AND  
SECTION 151 OFFICER**



**IN CONSULTATION WITH: HEAD OF STRATEGIC PLANNING & GOVERNANCE**

**DECISION NO: CY51 – 2021/22 Scheme**

**SUBJECT: ESTABLISHMENT OF A SPECIAL FREE SCHOOL IN CHURCHILL –  
CONTRIBUTION TO ABNORMAL COSTS**

**KEY DECISION: YES**

**REASON:** The decision affects the lives of children with social, emotional and mental health (SEMH) needs across the district.

### **BACKGROUND:**

Approval was provided in an Executive Member decision dated 9<sup>th</sup> October 2018, (2018-19 P&C33) for officers to submit a bid for a Wave 13 Free School Bid to the Department of Education (DfE) to facilitate the establishment of a Social, Emotional and Mental Health (SEMH) Free School within the district. In addition to authority being provided to include a site in Churchill to be included within that bid, it was noted that there would be a requirement for the Council to contribute towards the payment of abnormal costs. These are costs that the DfE consider are not part of the provision of a school building.

The additional works for the SEMH school that are over and above that which will be funded by the Department for Education (DfE), are specifically:

- the diversions of services comprising of the relocation of the overhead power lines currently across the Site (the “Site Diversion Works”); and
- any and all S278 requirements in respect of the Site (the “S278 Works”)

The DfE are expecting capital contributions equal to the total sum incurred by the Secretary of State in respect of the provision of the Additional Works subject to the maximum contributions of

- in respect of the Service Diversion Works, £200,000 (two hundred thousand pounds) plus VAT; and
- in respect of the S278 Works, £120,000 (one hundred and twenty thousand pounds) plus VAT

Approval was already granted at Council in February 2021 to include £100,000 of Special Provision Fund funding in the Council's capital programme 2021/22 to assist with the payment of abnormal costs when delivering the buildings for this school. Of this funding, £15,000 plus legal costs (c£2k) has already been used to fund a land purchase for a strip of land adjacent to the schools site to aid the provision of sufficient on-site parking for the school – see Decision Sheet CSD 015 2020 – 2021. The remaining elements of these funds can be allocated towards the relocation of the power lines.

North Somerset does not have an SEMH school currently. In securing a local Free School, pupils with SEMH needs may no longer be required to attend other provisions outside of the district. This should help to secure savings to the schools' High Needs budgets and to the Places Home to School Transport budgets.

Changes to the road infrastructure in this part of Churchill should help to negate traffic and other road user issues adjacent to this school site.

The project is being provided by the DfE and therefore is not part of the Council's direct capital delivery programme.

#### **DECISION:**

- To authorise spend of £230,000 to pay for Service Diversion Works.
- To authorise spend of £120,000 to pay for the S278 Works.
- To increase the capital budget on KCE261 to £350,000.

#### **REASONS:**

To enable the establishment of a Social, Emotional and Mental Health free school in keeping with the Executive Members of October 2018.

#### **OPTIONS CONSIDERED:**

Subsequent to the Executive Members decision and subsequent success of the bid, no further options have been considered.

#### **FINANCIAL IMPLICATIONS:**

##### **Costs**

The school is being built by the Education, Skills and Funding Agency (ESFA) on behalf of the DfE at a cost of c £6.7m. This £320,000 contribution plus VAT is the council's contribution towards this scheme which is around 5% of the cost of the school.

##### **NSC Estimated Costs are**

- Legal £3,000
- Land Purchase £15,000
- Service Provision works £212,000
- S278 works £120,000
- **TOTAL NSC cost of works £350,000**

## Funding

At the meeting of the Investment & Infrastructure Board on 8<sup>th</sup> November 2018, the board agreed to the capital amount of £100,000 from the Special Provisions Fund towards the relocation of low voltage power lines across the site in support of the free school bid. The remaining funds will come from earmarked capital risk reserve. Overall the scheme will secure a capital asset in North Somerset that should provide revenue savings to a number of areas across the Council.

	Original Funding £	Revised Funding £	Changes to Funding £
Specialist Provision Fund	100,000	100,000	-
NSC internal borrowing		250,000	250,000
<b>TOTAL BUDGET – KCE261</b>	<b>100,000</b>	<b>350,000</b>	<b>250,000</b>

The council will charge the revenue impact of the internal borrowing to the corporate capital financing provision which does contain sufficient capacity.

## LEGAL POWERS AND IMPLICATIONS

The Education Act 2011 and the Academies Act 2010 provide the legal basis for the formation of academies, free schools, university technical colleges and studio schools.

## CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

There are no direct climate or environmental implications in respect of this decision, but the development of the land will raise such implication and will be addressed during the planning process.

## CONSULTATION

See the Executive Member's decision dated 9<sup>th</sup> October 2018 (2018/19 P&C33).

## RISK MANAGEMENT

In agreeing an 'up to' allocation, the DfE will be responsible for any abnormal costs over and above these allocations.

If the costs come below the 'up to' allocations, the DfE will not ask for the full payment to these amounts.

Any savings or additional costs on either payment are not transferable between budget lines.

## EQUALITY IMPLICATIONS

An Equality Impact Assessment will be carried out by the Education, Skills and Funding Agency as part of the planning and delivery of the new school.

## **CORPORATE IMPLICATIONS**

The Corporate Plan 2020-24 has a vision for openness, fairness and a green environment. In terms of the priority of a council which empowers and cares about people, this proposal seeks to priorities of

- A commitment to protect the most vulnerable people of our communities
- An approach which enable young people and adults to lead independent and fulfilling lives
- A focus on taking inequalities, improving outcomes.
- A collaborative way of working with partners and families to support children achieve their full potential
- Partnerships which enhance skills, learning and employment opportunities

## **APPENDICES**

None

## **BACKGROUND PAPERS**

Executive Member's decision P&C33 of 2018/19  
Tenant Negotiations - CSD 015 2020 - 2021

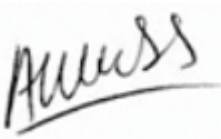
## **SIGNATORY:**

### **DECISION MAKERS:**



Signed:  
Director of Children's Services

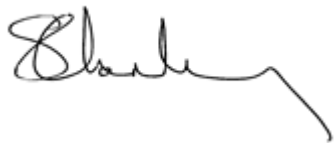
Date: 25.02.22



Signed:  
Section 151 Officer. In accordance with paragraph 1.5 of the Council's constitution (May 2018), officer authorisations and delegations

Date: 25.02.22

In consultation with:

A handwritten signature in black ink, appearing to be 'Blair', with a long horizontal stroke extending to the right.

Signed:  
Head of Strategic Planning & Governance

Date: 25.02.22