



## **CABINET – 17TH JUNE 2015**

**SUBJECT: ABERTYSSWG/PONTLOTTYN PRIMARY: OUTCOME OF THE STATUTORY NOTICE**

**REPORT BY: INTERIM CHIEF EXECUTIVE**

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### **1. PURPOSE OF REPORT**

- 1.1 To update Cabinet on the outcome of the Statutory Notice and to determine whether to proceed with the proposal to establish an Abertysswg/Pontlottyn Primary School.

### **2. LINKS TO STRATEGY**

- 2.1 The report links directly to the Education for Life, sustainability and regeneration strategies, particularly in the context of provision of modern fit for purpose teaching and learning environments.

### **3. THE REPORT**

- 3.1 Cabinet, at its meeting on 29 October 2014, agreed to proceed to a formal consultation process in relation to the above proposal. Special Cabinet, at its meeting on 25 March 2015, agreed to proceed to the publication of a Statutory Notice.
- 3.2 AECOM were requested to undertake an options appraisal in respect of school location options in view of the comments made in the report of 25 March. Following this review the matter was considered by the 21<sup>st</sup> Century Schools Board and it was agreed by the Chief Executive that we publish the Statutory Notice based upon the school site location option contained within the consultation document.
- 3.3 The Statutory Notice was subsequently published on 20 April 2015 and a copy is attached as Appendix 1. The Statutory Notice provided a 28 day notice period for objections and the Notice period ended on 18 May 2015.
- 3.4 An objection was received from the Chair on behalf of the Abertysswg Governing Body during the Statutory Notice period. If objections are received, the proposer (CCBC) in accordance with Section 49 of the School Standards & Organisation (Wales) Act 2013, must publish an objection report providing a summary of the objections and their responses to them before the end of 7 days beginning with the day of its determination.
- 3.5 In view of this, Cabinet are requested to consider the draft objection report attached as Appendix 2.
- 3.6 In the event Cabinet approves the proposal it is recommended to proceed with the establishment of a new Primary school and publish the objection report and distribute as required by the School Organisation Code.

- 3.7 CCBC has committed to supporting a collaborative and strategic approach to 21<sup>st</sup> Century Schools projects via the South East Wales Capital (SEWSCAP) group. This collaborative arrangement provides standardisation of specifications and a strategic partnering approach. It is anticipated that the Abertysswg/Pontlottyn Primary scheme will be procured in accordance with the new SEWSCAP2 framework agreement.
- 3.8 There are a number of potential forms of contract available for future consideration. CCBC has recent experiences of a number of these and examples are shown below:
- JCT traditional with bills of quantities (Cwm Ifor, Greenhill and St. James)
  - JCT traditional with no bills of quantities (most recently low value projects below £1m)
  - NEC Option A (St. Ilan phase 1)
  - JCT Design & Build to RIBA stage C/D (St. Ilan phases 2 & 3 & Rhymney Comprehensive extension)
  - JCT Design & Build schedule of requirements only (not used)
  - NEC 2 Stage Design & Build Option A (IWSS – fixed cost option)
  - NEC 2 Stage Design & Build Option C (IWSS – target cost option recommended by AECOM).
- 3.9 Having reviewed these, the preferred option recommended for Abertysswg/Pontlottyn is the 'JCT Design & Build to RIBA stage C/D' option should Members agree to proceed with the proposal. This form of contract is fixed price with the internal Building Consultancy, which has extensive experience of primary school design, producing the conceptual drawings and acting as the Council's project manager with the internal Engineering Projects Group assisting with the pre-contract external works design.

#### **4. EQUALITIES IMPLICATIONS**

- 4.1 An Equalities Impact Assessment screening has been completed in accordance with the Council's Strategic Equality Plan and some low level or minor impact, as referred to in the personnel implications section below, has been identified affecting one or more of the target equality groups.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 The present estimated (outturn) cost for the school is £8m and this has been included in the most recent funding profile to the Welsh Government. An Outline Business Case has been completed on this basis.
- 5.2 CCBC has already secured its 50% contribution (£4m) to the scheme as its match funding requirement.

#### **6. PERSONNEL IMPLICATIONS**

- 6.1 A very small number of staff may be affected by the proposal and will be dependant upon budget availability, staffing structures and staffing changes in the next 2 years.
- 6.2 Trade unions will be engaged in the process leading to the staffing of the new school.

#### **7. CONSULTATIONS**

- 7.1 A detailed consultation process was undertaken and reported to Cabinet. The relevant consultees, as per the School Organisation Code, have been updated at the various stages of the process.

## **8. RECOMMENDATIONS**

- 8.1 Cabinet are recommended to consider the draft objection report attached and determine whether to proceed with the proposal to establish an Abertysswg/Pontlottyn Primary School to be developed as outlined in the report.

## **9. REASONS FOR THE RECOMMENDATIONS**

- 9.1 To determine the proposal in accordance with the School Standards & Organisation (Wales) Act 2013 and subsequent School organisation Code 2013.

## **10. STATUTORY POWER**

- 10.1 The School Standards and Framework Act 1998.  
The Learning and Skills Act 2000  
School Standards & Organisation (Wales) Act 2013  
The School Organisation Code. Welsh Government (2013)  
Federation of Maintained Schools (Wales) Regulations 2014.
- 10.2 This is a Cabinet function.

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Consultees: Corporate Management Team  
Keri Cole, Chief Education Officer  
Councillor R Passmore, Cabinet Member for Education & Lifelong Learning  
Angharad Price, Barrister/Interim Deputy Monitoring Officer  
Jane Southcombe, Financial Services Manager  
Gareth Hardacre, Head of People Management & Development  
Liz Lucas, Head of Procurement  
Ian Evans, Contracts Manager, Procurement  
David A Thomas, Senior Policy Officer (Equalities & Welsh Language)  
Councillor G Oliver, Pontlottyn  
Councillor J Bevan, Moriah  
Councillor G Bevan, Moriah

Background Papers:  
21<sup>st</sup> Century Schools files  
Council report 23 November 2010 (SOP)  
Council report 3 November 2011 (SOP2)  
Cabinet report 29 October 2014  
Cabinet report 25 March 2015  
Welsh Government approval letter 5 December 2011  
Objection to Statutory Notice.

Appendices:  
Appendix 1: Statutory Notice  
Appendix 2: Draft Objection Report