

Executive Officer Delegated Decision Checklist

When completing your Executive Officer Delegated Decision template, is it important you follow the steps below *prior* to submitting it to your Business Operations Manager, to start the Mod.Gov process. Documents may be returned to the Author(s) in the event of the checklist being incomplete.

- Information on the [Scheme of Delegation and Scheme of Sub-Delegation](#) can be found on our webpages.

	Yes	No	Consultee(s)	Date
Have you reviewed the relevant Scheme of Sub-Delegation to enable you to make this decision?	<input checked="" type="checkbox"/>	<input type="checkbox"/>		19/05/23
Have you consulted and received feedback on your decision from the Communications team?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Gemma Styles	22/05/23
Have you consulted and received feedback on your decision from the Legal team?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	John Tradewell, Imran Razaq, John Rowe	19/05/23
Have you consulted and received feedback on your decision from the Finance team?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Anthony Humphreys	09/03/23
Have you consulted and received feedback on your decision from the HR team?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No	Click or tap to enter a date.
Have you consulted and received feedback on your decision from the SLT Lead?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neelam Bhardwaja	04/05/23
Please list any other colleagues you have consulted with e.g. Procurement, Commercial, Property etc.			Anthony Hodge (regeneration) Stuart Lane (property), Mark Parkinson (planning), Lisa Oakley (risk and insurance)	19/05/23

*If you answer **No** to any of the above, please provide a brief reason why:*

There are no HR implications

Once the above checklist has been completed, please submit your completed documents, along with all appendices and any supporting documentation to your Business Operations Manager:

- Kathy Maitland (Corporate Services / Children and Families)
(kathy.maitland@staffordshire.gov.uk)
- Vicki Sandells (Economy, Infrastructure and Skills / Health and Care)
(vicki.sandells@staffordshire.gov.uk)

Executive Officer Delegated Decision Form

Decision Title

Delivery of the All Through School (ATS) at the Former Rugeley Power Station Site

Decision Required

The Director for Children and Families and Deputy Chief Executive and Director for Corporate Services, in consultation with the Cabinet Member for Education (and SEND),:

- a) enable the ATS option to proceed by entering into relevant legal agreements with Rugeley Power Limited (RPL), Lichfield and Cannock Chase District Councils, Department for Education (DfE) and Homes England

Decision Date

Tuesday 23 May 2023

Decision Summary

Approval is sought for a Deed of Variation and relevant legal agreements to enable the county council to elect, or not, for the ATS by Wednesday 31 May 2023.

Delegated Function

On 15 March 2023, Cabinet agreed to delegate authority to the Director for Children and Families and Deputy Chief Executive and Director for Corporate Services, in consultation with the Cabinet Member for Education (and SEND), to enter into relevant legal agreements to allow the All Through School (ATS) option to proceed.

Category of Decision

None key

Public

If the decision is exempt, please identify the relevant paragraph number from the list below.

Options Considered

Background

1. On Wednesday 15 March 2023, in an exempt report to Cabinet, support was given to deliver an All Through School (ATS) on the former Rugeley power station site, subject to the approval of relevant legal agreements.
2. Cabinet was advised of the permanent shortfall of secondary school places in Rugeley following The Hart's decision to close the Hagley Park site.
3. To remedy the shortfall, increase local choice and provide future capacity for over 2,000 homes on the former power station site, John Taylor Multi Academy Trust (JTMAT) had successfully applied to the DfE to open an All Through School (ATS) on the site.
4. To secure delivery of the ATS, changes are required to the current Section 106 agreement with the site owner, Rugeley Power Limited, through a "Deed of Variation" (DoV) and other legal agreements.
5. Cabinet agreed to delegate authority to the Director for Children and Families and Deputy Chief Executive and Director for Corporate Services, in consultation with the Cabinet Member for Education (and SEND), to enter into relevant legal agreements to allow the All Through School (ATS) option to proceed.

Legal agreements

6. Officers have now completed detailed, sensitive and confidential negotiations on a DoV and relevant agreements, which are agreed by all parties.
7. If agreed, and subject to planning approval, the agreements would enable the ATS to be constructed by the DfE. Whilst the timescale is challenging, the target opening date would be September 2025. Each September, the ATS would admit into nursery, reception and Year 7 and by September 2031 there were children in every year group. Its total capacity would be 52 nursery places, 420 primary places and 750 secondary places and 200 post-16 places.

8. If agreed by all parties¹, the DoV, which would enable SCC to elect for the ATS by no later than 31 May 2023. Upon election for the ATS, the DoV would oblige the site owner to:
- a. transfer ownership of the site for the ATS and Shared Sports Facilities to SCC;
 - b. contribute £13.9m, in instalments, towards the cost of construction of the ATS and Shared Sports Facilities;
 - c. contribute £1.4m, in instalments, towards the cost of a new access from the public highway;
 - d. provide access road from the public highway, and all services, to the ATS site.
9. Legal agreements would enable, subject to planning permission:
- a. DfE to construct the ATS and Shared Sport Facilities at an estimated cost of c£39m. DfE would fund c£25m, the site owner would contribute £13.9m and the county council would contribute £1m;
 - b. county council to construct a new access from the public highway (in part by acquiring a small area of land from Homes England at no cost). The site owner would contribute £1.4m and the county council would contribute up to c£1m.
 - c. As usual, the county council would enter into a 125-year lease with the academy trust. JTMAAT.
 - d. Responsibility for securing the operation of the Shared Sport Facilities on the ATS site would transfer from the site owner to county council.
10. Table 1 shows the county council's capital contribution of circa £2m towards the ATS, Shared Sport Facilities and associated infrastructure.

¹ Parties to the DoV are the site owner (Rugeley Power Limited), Staffordshire County Council, Lichfield District Council and Cannock Chase District Council

	Estimated cost	From SCC	From site owner	From DfE	Total contributions
DfE build ATS and Sports Facilities	39.4	1.0	13.9	24.5	39.4
SCC build new access	2.4	1.0	1.4	n/a	2.4
Site owner build access road & services to ATS	Not known	n/a	Not known	n/a	Not known
Total	c41.8	2.0	15.3	24.5	41.8

Table 1: Capital costs and contributions, estimated by SCC, for ATS & Shared Sports Facilities (£m) through a Deed of Variation

Options considered

11. Under the current section 106 agreement, the site owner would contribute £7.9m and a site for a primary school. The site owner would provide an £8.0m contribution towards the provision of secondary places off-site, which would most likely require the reopening of Hagley Park High School as an academy.
12. Without the DoV, Table 2 shows a county council's capital contribution of circa £11.6m towards a primary school and refurbished Hagley Park. It shows that, without an ATS, Staffordshire would lose circa £24.5m of funding from DfE.

	Estimated cost	From SCC	From site owner	From DfE	Total contributions
SCC refurbish Hagley Park	19.0	11.0	8.0	n/a	19.0
SCC build new primary school	8.5	0.6	7.9	n/a	8.5
Site owner build sport facilities & roads	Not known	n/a	Not known	n/a	Not known
Total	c41.8	11.6	15.9	0.0	27.5

Table 2: Capital costs and contributions, estimated by SCC, for a primary school and to reopen Hagley Park (£m) under the current S106 agreement

13. From an educational perspective, in March, Cabinet concluded that the ATS would be a better outcome. Reopening the old Hagley Park site would be more expensive, have less facilities and be less popular with families, which may affect its financial and educational viability.

Consultation Process

Who have you consulted with and when: as shown above

Electoral Divisions Affected

Councillor Richard Cox - Lichfield - Lichfield Rural West
Councillor Mike Sutherland - Cannock Chase - Etchinghill and Heath
Councillor Peter Kruskonjic - Cannock Chase - Brereton and Ravenhill
Councillor John Francis Stafford - Stafford Trent Valley

Name of Executive Officer Making Decision:

Neelam Bhardwaja, Director for Children and Families
John Tradewell, Deputy Chief Executive and Director for Corporate Services

Community Impact Assessment

Key Issues

Whilst the ATS would provide much needed secondary school capacity and choice, there is an existing surplus of primary school places in Rugeley and it will take time for the new housing to “generate” primary-aged children. Whilst some primary schools are close or full to capacity, the additional places at the ATS may be popular with parents able to travel to the new school. This would impact on demand for some primary schools.

Reception admissions to the ATS are critical to quickly establish the ethos of an all through school and support the financial and educational viability of the ATS. In mitigation, JTMAT would open only half its nursery and reception capacity (up to 26 and 30 children, respectively) and consider sensitively when, in the future, to increase to full capacity (up to 52 and 60 children).

Resource and Value for Money Analysis

The ATS (see Table 1) would offer better outcomes than a new primary school and reopening the Hagley Park site (see Table 2).

Tables 1 and 2 show that the ATS would c£9.6m less expensive for the county council. The difference has likely increased since the cost estimates shown are from 2022 and cost inflation has continued to increase.

The county council would make revenue provision annually for the marginal cost of operating and maintaining the Shared Sport Facilities. These would be offset partially by savings from no longer needing to provide free travel assistance to local children who cannot get a place at The Hart School.

Risk Analysis

As with any section 106 agreement/Deed of Variation, there is a risk that the county council would not receive the financial contributions agreed contractually by the site owner. In mitigation, the county council can take court action to recover payments and costs.

As with any strategic development, there is a risk that opening would be delayed because access or services are not provided on time by the site owner. In mitigation, the county council can use "step-in" rights to deliver infrastructure and recover costs.

As with many former industrial sites, remediation work is essential. The county council procured external pre-acquisition due diligence which confirmed "that the site for the ATS has been fully remediated and that all land contamination matters have been suitably addressed by all parties and that SCC should now proceed to sign the Deed of Variation". Whilst the potential perceived risk is low, prudently, the county council would take out separate cover that indemnifies the ATS and county council against future liabilities.

As with any development, there is a risk that opening would be delayed because planning permission is not granted. Whilst planning permission for an ATS was granted in 2021, there is a risk that approval for a slightly modified design is not approved on time. In mitigation, as is normal practice, DfE is seeking pre-planning advice from the local planning authorities before the application is submitted.

DfE have already received tenders for the ATS and are ready to appoint a main contractor in June 2023. From then, the risk of government withdrawing funding is extremely unlikely although the impact on the Schools Capital Programme would be high.

There is a risk to the county council of a cost overrun for constructing an access from the public highway. In mitigation, the £1m contribution budgeted by the county council includes an amount for contingency.

The county council has no experience of operating Shared Sports Facilities. In mitigation, the county council would take professional advice and engage with district councils and leisure operators before agreeing, with JTMAT, a sustainable operating model.

Opening new primary school provision on new housing developments, will affect other schools and providers, as developments expand and develop. Equally, not investing in new schools can affect community cohesion, particularly on large, strategic sites like this and mean that new communities must travel further to access other schools. As noted in Key Issues, above, additional nursery and primary places at the ATS may be popular with parents. There is a risk that this would affect the viability of some schools. In mitigation, the ATS would open to nursery, reception and Year 7 pupils only, offer only half its nursery and reception capacity and grow incrementally over 7 years.

Legal Analysis

The Deed of Variation and relevant legal documents have been agreed by all parties (the county council, Rugeley Power Limited Lichfield District Council, Cannock Chase District Council and Homes England) and, subject formal approval, are ready for completion.

To reach agreement there has been compromise from all parties and the DoV and relevant legal agreements is a good outcome. With such a large, complex and expensive project there are inevitably risks but these are well understood and, where possible, mitigated.

Implementation

Is any implementation action required?

Legal agreements should be signed by SCC to enable all parties to complete. Once complete, the county council must choose, or not, to formally elect for the ATS on or by 31 May 2023.

To be implemented by: John Tradewell, Deputy Chief Executive and Director for Corporate Services, as signatory.

To be implemented by: John Tradewell, Deputy Chief Executive and Director for Corporate Services

Implementation Status

Work to commence on: 23 May 2023

Work in progress:

Work completed on date below: 31 May 2023

Report Author

Name: Andrew Marsden

Job Title: Head of Access to Learning, Inclusion &

Directorate: Children and Families/Education Strategy
and Improvement

Email Address: andrew.marsden@staffordshire.gov.uk

Telephone No: 01785 278787

Submission on Mod.Gov

Uploaded by: Kathy Maitland

Date uploaded: 16 June 2023

