

REPORT: Executive Board Sub Committee

DATE: 8th July 2010

REPORTING OFFICER: Operational Director – Children’s Organisation and Provision

SUBJECT: Halton High/Academy Development Legal Support

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to request approval to waive standing orders so that legal support can be commissioned for the construction related works to Halton High as part of the Academy arrangements

2.0 RECOMMENDED: That the Operational Director Children’s Organisation and Provision be authorised to award the contract for Legal Support for construction related works to Halton High as part of the Academy Arrangements to the contractor Beachcroft in the sum of £51,510 and in the light of the exceptional circumstances outlined in paragraph 3.3 and in accordance with Procurement Standing Orders 1.6 Standing Orders 3.1 to 3.7 and 3.9 be waived on this occasion.

3.0 SUPPORTING INFORMATION

3.1 Beachcroft were commissioned in line with financial regulations and standing orders to provide the legal advice for the Halton BSF Programme and have been the legal advisors for each stage of the Programme. They are also on the Partnership for Schools Framework list which is a list of quality assured external consultants who have a specialism in BSF.

3.2 To change a high school to an Academy requires an additional amount of legal work to be undertaken such as work on the short term lease of the existing school to the Academy Sponsors, a range of site specific issues, provision of a dual use agreement for leisure services, procurement advice on interface issues in developing the BSF scheme for the Academy, development of the long lease and an occupation licence for the 4 new building.

3.3 Some of this work needs to be undertaken within the next month to ensure that the Academy can be established by 1st September 2010. Any delay in agreeing the legal issues could result in a delay impact on the approval of the Funding Agreement and effect transfer of Halton High. As

Beachcroft are the current legal advisers and have accrued knowledge about both the BSF Programme, Halton High and the leasing arrangements, it is proposed that they be commissioned to undertake this work.

- 3.4 The award of this work to Beachcroft will ensure that all outstanding legal issues related to the transfer can be undertaken in a timely way due to their knowledge, their previous experience of advising on Academy transfers and their detailed knowledge of Halton's BSF Programme.

4.0 BUSINESS CASE FOR WAIVING TENDERING STANDING ORDERS

4.1 Value for money and Competition

Beachcroft were procured for BSF Legal work in line with standing orders. Beachcroft have been quality assured and are part on the PFS Framework.

Transparency

All BSF expenditure is subject to audit requirements.

Propriety and Security

The usual integrity clauses will be built into the contract document and only staff with a need to know will have information about the contract

Accountability

Accountability for the awarding the contract would remain with the Operational Director Children's Organisation and Provision and will be subject to internal audit.

Position of the contract under the Public Contracts Regulations 2006

Legal work is a Part B service and as such is exempt from the detailed advertising requirements of the Public Contract Regs 2006

5.0 FINANCIAL IMPLICATIONS

- 5.1 Beachcroft have been asked to cost for each element of the additional work. The total costs of this work to ensure that there is legal support up to Financial Close on the Halton High BSF scheme is £51,510. These costs are in line with other legal services providers on the BSF Framework.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People

The pupils at the Halton Academy will benefit from the experience and resources of Ormiston Trust and the University of Chester. In addition, the sponsors intend to focus on the specialisms of English and Applied Learning.

6.2 Employment Learning and Skills in Halton

Through access to an excellent Secondary School for all pupils, standards will improve providing greater employment prospects for Halton's Children and Young People. The University of Chester will seek to use its strong networks with business and industry to enhance the quality of the Academy's work based learning curriculum.

6.3 A Healthy Halton

Halton High is part of the BSF Programme, in developing its Secondary Schools for the future the Authority will demonstrate how it will enable schools to meet the School Sport Public Service Agreement through its Capital Investment and achieve high nutritional standards and encourage healthy living and eating.

6.4 A Safer Halton

Schools for the future will be designed to ensure that children, staff and other community users feel safe and secure on schools sites.

6.5 Halton's Urban

Through the BSF Halton schools will become a major resource for communities they serve and will be designed to offer shared community facilities, linking to other wider regeneration projects as well as being the focus for the local delivery of children's services.

7.0 RISK ANALYSIS

7.1 Delay in securing legal support will impact on the transfer of Halton High to an Academy.

8.0 EQUALITY AND DIVERSITY ISSUES

The proposals for the re-organisation of Halton's Secondary and Secondary Special Provision seek to provide choice and diversity, promote inclusion and access.

9.0 REASON(S) FOR DECISION

To provide appropriate legal advice to ensure all construction legal matters related to the change of Halton High to an Academy can be undertaken without any delay to the timeline of 1st September 2010.

9.1 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

N/A

10.0 IMPLEMENTATION DATE

The decision needs to be made on 8th July so that the legal work can be undertaken for the Funding Agreement. It can be then be signed and the Academy established for September 2010.

11.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Consultation Presentation	2 nd Floor DeeBuilding – Grosvenor House, Runcorn and website www.halton.gov.uk/bsf	Ann McIntyre – Operational Director Children's Organisation and Provision
Notes of Public Meetings	2 nd Floor Dee Building – Grosvenor House, Runcorn and website www.halton.gov.uk/bsf	Ann McIntyre – Operational Director Children's Organisation and Provision
All responses to First round of consultation	2 nd Floor DeeBuilding – Grosvenor House, Runcorn and website www.halton.gov.uk/bsf	Ann McIntyre – Operational Director Children's Organisation and Provision
Executive Board Report – 28 th January 2010 – Outcome of the Consultation to Close Halton High School	2 nd Floor DeeBuilding – Grosvenor House, Runcorn and website www.halton.gov.uk/bsf	Ann McIntyre – Operational Director Children's Organisation and Provision
Executive Board Report – 17 th June 24, 2010 Academy Update	2 nd Floor DeeBuilding – Grosvenor House, Runcorn	Ann McIntyre –

and website
www.halton.gov.uk/bsf

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