

## EXECUTIVE BOARD

*At a meeting of the Executive Board on Thursday, 9 April 2009 in the Marketing Suite, Municipal Building*

Present: Councillors McDermott (Chairman), D. Cargill, Gerrard, Harris, McInerney, Nelson, Swain, Wharton and Wright

Apologies for Absence: Councillors Polhill

Absence declared on Council business: None

Officers present: G. Cook, R. Barnett, B. Dodd, D. Hennessy, I. Leivesley, A. McIntyre, G. Meehan, M. Simpson and D. Tregoe

Also in attendance: None

### ITEMS DEALT WITH UNDER POWERS AND DUTIES EXERCISABLE BY THE BOARD

*Action*

#### EXB145 MINUTES

The Minutes of the meeting held on 2 April 2009 were taken as read and signed as correct record.

*(NB: Councillor Nelson declared a personal interest in the following item due to being a Chair of Governors at the Grange Schools.)*

*(Councillor Harris declared a personal interest in the following item due to being a Governor at The Bankfield School.)*

#### EXB146 APPROVAL OF BSF OUTLINE BUSINESS CASE - KEY DECISION

The Board considered a report of the Strategic Director, Children and Young People which detailed the Outline Business Case (OBC) and sought approval for the submission of the OBC to the DCSF by 22 April 2009.

It was reported that Halton submitted its Strategy for Change Part 1 in July 2008, which had now been agreed. The Strategy for Change Part 2 was submitted on 19 November 2008. It was noted that conditional approval was granted on the basis that additional information was

provided by 27 February 2009 and the Authority was given permission to develop its OBCase. It was reported that notification had now been received which confirmed that the outstanding requirements from Strategy for Change Part 2 had now been met.

The Board was advised that the OBC consisted of the following key sections plus associated appendices:

- executive summary;
- background;
- the project within the programme;
- value for money;
- affordability;
- readiness to deliver; and
- managing change.

Explanations of each section were set out in the report for Members' consideration.

It was reported that the current Funding Allocation Model adjusted for Private Finance Initiative (PFI) credits was £175 million. Members were advised that this figure would cover the costs of Halton's BSF Programme.

It was noted that the estimated costs to deliver ICT solution for the BSF Programme was £23.5 million and included a 0.5 million contingency. The available funding was a combination of the BSF funding and a contribution of £200 per secondary pupil per annum, which would be secured for each secondary pupil.

It was reported that for the OBC cases the authority must also confirm that sufficient resources were available to meet the procurement and BSF team costs. It was noted that the total resources available would meet the £4 million requirement for the Authority.

In addition the Board was informed that revenue affordability of the Programme must be confirmed at OBC and in the Halton BSF Programme the building programme was being supported produced in two ways; through PFI where there was more than 70% new build and through the conventional funding solution for Design and Build.

Detailed in the report was a table that set out all the additional contributions which would be made to the BSF Programme. It was noted that the one off (single) contributions had been used to reduce the ongoing annual costs of the PFI schools. In addition, the funding to reduce

the annual affordability gap had been identified.

The Board considered the affordability section and noted the four key issues as follows;

- is the capital expenditure affordable?
- are revenue consequences affordable?
- are the costs of the team affordable? and
- are the costs of IT affordable?

Members were advised all the key issues above were affordable based on the model outlined in the report.

Arising from discussion Members requested that a breakdown of costs and plans of each site be circulated and presented in the near future.

#### **REASON FOR DECISION**

The Outline Business Case must be completed as part of the BSF Programme.

#### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

Not applicable

#### **IMPLEMENTATION DATE**

The Outline Business Case must be submitted to the DCSF and PfS by 22<sup>nd</sup> April 2009.

RESOLVED: That

- 1) The Executive Board note the progress made in the development of the Outline Business Case due for submission on 22<sup>nd</sup> April 2009;
- 2) The Executive Board delegate responsibility to make any changes to the BSF Outline Business Case to the Chief Executive in consultation with the Leader of the Council, Member for Children and Young People, Operational Director Financial Services and Operational Director Legal, Organisational Development and Human Resources;
- 3) The Executive Board requests the Strategic Director for Children and Young People to submit the Final Outline Business Case to the Department for Children Schools and Families in the form agreed by the Chief Executive in consultation with the Leader of the Council Member for Children and Young People, Operational Director Financial Services and

Strategic Director-  
Children & Young  
People

Operational Director Legal, Organisational Development and Human Resources; and

- 4) The Executive Board request a full report on the outcome of the DCSF assessment of the Outline Business Case in June / July 2009.

*(NB: Councillor Nelson declared a personal interest in the following item due to being a Chair of Governors at the Grange Schools.)*

*(Councillor Harris declared a personal interest in the following item due to being a Governor at The Bankfield School.)*

*(Councillor Swain declared a personal interest in the following item due to being a Governor at Halton High School.)*

#### EXB147 BSF SECONDARY RE-ORGANISATION - KEY DECISION

The Board received a report of the Strategic Director, Children and Young People which summarised the response to the statutory consultation undertaken on secondary Special Educational Needs (SEN) unit provision in Halton. An outline of the decision making process was also included for Members' consideration. A further update on the outcome of the statutory consultation was circulated at the meeting following the end of the representation period on 2<sup>nd</sup> April 2009.

Members were also advised of the school organisation proposals required in Runcorn for The Heath Specialist Technology College, The Grange Comprehensive, The Grange Junior, The Grange Infant, The Grange Nursery and Halton High School.

It was reported that the proposals recommended the discontinuance of the 7 place EBD Unit at Halton High (Community School) and the discontinuance of the 14 place EBD Unit at The Grange Comprehensive (Community School). The proposals also recommended the reduction in the provision at Wade Deacon for Hearing Impaired pupils from 8 to 6 pupils.

Detailed in the report were the proposals to establish the secondary SEN resources provision as follows:

**The Grange Comprehensive (Community School)** – The school would provide resource provision for 11 pupils with a

diagnosis of Autistic Spectrum Disorder (ASD), 5 of these places would be reserved for outreach support for pupils in other high schools within the borough. In addition, there would be resource provision for 10 pupils with speech and language and communication needs.

**Saints Peter and Paul Catholic College (Voluntary Aided Catholic)** - The school would provide resource provision for 11 pupils with a diagnosis of Autistic Spectrum Disorder (ASD), 5 of these places would be reserved for outreach support for pupils in other high schools within the borough.

**The Bankfield (Community School)** - The School would provide resource provision for 10 pupils with speech and language and communication needs.

**Wade Deacon High (Community School)** The school would provide resource provision for 6 pupils with hearing impairment and Specific Learning Difficulties.

#### **REASONS FOR DECISION**

The proposals for secondary and secondary special provision must be agreed prior to the submission of the Outline Business Case.

#### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

Alternative options have been considered and assessed during the consultation process.

#### **IMPLEMENTATION DATE**

The proposals for SEN unit provision must be agreed by 9<sup>th</sup> April 2009 and will be implemented by September 2011.

The proposal to commence the consultation on Runcorn secondary provision must be agreed by 9<sup>th</sup> April 2009, however, the increase in numbers at The Heath Specialist Technology College are not scheduled to be implemented until the school has been rebuilt as part of the BSF Programme (2012/2013). The proposals for the re-organisation of The Grange Comprehensive, Junior, Infant and Nursery are scheduled to be implemented in April 2010. The date for the establishment of the Academy to replace Halton High is September 2010.

RESOLVED: That

- 1) Approval be given to commence the informal consultation process to expand the Heath Specialist Technology College to 1350 11-16 places;

- 2) Approval be given to commence the statutory consultation to alter the age range of The Grange Comprehensive to 0 – 16 years with 60 full time equivalent nursery places, 420 primary places and 900 secondary places and to discontinue (close) the Grange Nursery, Infant and Junior School;
- 3) Approval be given to commence the informal consultation process to discontinue (close) Halton High School followed by the formal consultation to close Halton High School by the authority and consultation to establish the Academy by the Sponsors;
- 4) The proposals to discontinue SEN provision and Halton High School and The Grange Comprehensive as set out in paragraph 3.2 of the tabled report be approved and implemented on 31<sup>st</sup> August 2011; and
- 5) The proposals to establish SEN Resource provision at The Grange Comprehensive, The Bankfield and St Peter and Paul Catholic College (Voluntary Aided Catholic) and to continue to offer provision at Wade Deacon High School as set out in paragraph 3.3 of the tabled report be approved and implemented by 1<sup>st</sup> September 2011.

#### EXB148 DECISION ON BSF FUNDING AND PROCUREMENT - KEY DECISION

The Board considered a report of the Strategic Director, Children and Young People which set out the range of Procurement Standard Documents and Standard Form Agreements, that were required to be submitted on 22 April 2009 as part of the BSF Programme.

The Board was advised of the range of Procurement Standard Documents as follows:

- The Official Journal of the European Union (OJEU);
- Pre-Qualification Questionnaire;
- Pre-Qualification Evaluation Matrix;
- Descriptive Document;
- Invitation to Participate in Dialogue Volume 1 (IPD); and
- Invitation to Submit Final Bids.

It was reported that templates were available for the documents above which needed personalising in line with

each Programme requirements. The documents must then be agreed with Partnerships for schools.

It was further advised that there was a suite of Standard Form Agreements which must be approved by Partnerships for Schools, detailed as follows:

- Shareholders' Agreements;
- Strategic Partnering Agreements;
- PFI Project Agreement;
- PFI Payment Mechanism;
- Funder's Direct Agreement;
- Management Services Agreement;
- ICT Services Contract;
- ICT Payment Mechanism; and
- Design and Build Contract Lump Sum Option.

#### **REASON FOR DECISION**

The procurement Standard Documents and Standard Form Agreements must be agreed and submitted with the Outline Business Case on 22 April 2009.

#### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

Not applicable.

#### **IMPLEMENTATION DATE**

The Outline Business Case and supporting documents must be submitted to the DCSF and PfS by 22 April 2009.

RESOLVED: That

- 1) the Chief Executive be authorised to agree the supporting Procurement Standard documents and Standard Form Agreements prior to the submission of the business case to Partnerships for Schools and DCSF; and
- 2) the procurement process to be applied to the BSF Programme is that which is set out in the Partnerships for School guidance.

Chief Executive

#### **EXB149 PROCUREMENT OF A JOINT LOCAL EDUCATION PARTNERSHIP WITH WARRINGTON COUNCIL - KEY DECISION**

- The Board received a report of the Strategic Director, Children and Young People which outlined the proposals and gain approval to establish a joint Local Education

Partnership (LEP) with Warrington Borough Council.

It was reported that a LEP was a public private partnership between the LA, BSF for the Future Investments LLP (BSFI) and a private sector partner selected in open competition under the European procurement rules. The LEP was therefore a joint venture company whose primary purpose was to ensure that BSF investment was efficiently and effectively used to deliver transformation. The key aims of the LEP were outlined in the report for Members consideration.

The Board was advised of the proposal of a joint LEP be procured between Halton and Warrington Borough Council. It was noted that this would allow both Councils to have a joint BSF team that would manage the business cases and procurement preparation. It was further noted that this would strengthen both BSF teams and allow for revenue savings from both Councils. Members were informed that approval in principle was being considered by Warrington Council in April with formal consideration in May 2009.

It was further reported that approval by both Councils would be subject to the agreement of a Memorandum of Understanding (MoU) which would outline the operational and revenue implications, role of external commissioned services, the scope of the LEP and the governance arrangements for the Board. Appended to the report was a summary of the style, type and provision of the MoU. It was noted that a full copy of the MoU could be made available on request.

#### **REASON FOR DECISION**

A decision is required on the position in terms of the Joint LEP prior to the submission of Outline Business Case on 22 April 2009.

#### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

Not applicable.

#### **IMPLEMENTATION DATE**

The Outline Business Case must be submitted to the DCSF and PfS by 22 April 2009.

RESOLVED: That

- 1) Approval be given to enter into collaborative arrangements with Warrington Borough Council for the purposes of procuring a Private Sector Partner to participate and invest in a Local Education

Strategic Director-



- Partnership (LEP);
- 2) The arrangements in 2.1 of the report be subject of an agreed and signed Memorandum of Understanding (MoU) between both Councils;
  - 3) The scope of services to be obtained through joint procurement and the governance arrangements to be set out in the MoU; and
  - 4) The Chief Executive, in consultation with the Leader and the Executive Board Member for Children and Young People, be authorised to approve the final MoU and take whatever actions necessary to give effect to this decision.

*(NB: Councillor Harris declared a personal interest in the following item due to being a Governor at All Saints Upton CE Primary School.)*

#### EXB150 CHILDREN'S CENTRE PHASE 3 CAPITAL - KEY DECISION

The Board considered a report of the Strategic Director, Children and Young People which identified the availability of Phase 3 capital funding for children's centres and proposed deployment of this resource to maximise access to children's centre services.

It was reported that since April 2006, local authorities have had strategic responsibility for delivering children's centres, to reflect the mainstreaming of children's centres as a universal, national programme. Children's centre services were planned and delivered in partnership with the NHS, Jobcentre Plus and a wide range of voluntary, private and community organisations based on local need.

Members were advised that children's centres were not currently recognised in legislation, although the integrated services which they offered to children and families had a statutory basis in the local authority duties under the Childcare Act 2006 to provide integrated early childhood services. However, it was noted that the Government's current proposals contained within The Apprenticeships, Skills, Children and Learning Bill, to establish children's centres as a recognised part of children's services infrastructure that had direct bearing on the future developments of the centres.

It was further advised that the proposed legislation would mean that in future, whether or not an establishment

was described as a children's centre would be a matter of law. It was reported that the Government proposed to use the Act to establish that all children's centres in existence at the date of the Royal Assent were captured as children's centres for the purpose of the statutory requirements.

It was reported that Local Authorities, working with their statutory partners, would be required to assess the need for children's centres in their area, and to establish and maintain sufficient children's centres to meet that need. The purpose of the proposed legislation was to provide children's centres with a statutory footing, so that their provision was not seen as the outcome of time-limited funding regime, but became a long term statutory commitment and part of the established landscape of early years provision.

The Board was advised that the intention was to reflect in the legislation and associated statutory guidance practice in localities which was outlined in the report for information.

It was further noted that under phase 1 and 2 of the programme, twelve children's centres had been established in Halton. Each children's centre was intended to serve a "reach" of between 800 and 1200 children under 5 years within the locality. All twelve centres had been formally designated as children's centres by Government.

The Board was informed that Government required Phase 3 children's centres (2008-11) to be situated outside the most disadvantaged areas and would therefore offer a less intensive level of support than those phase 1 and 2 centres serving families in the 30% most disadvantaged areas.

It was reported that Phase 3 was supported by capital funding of £521,866. It was proposed that this funding is used to enhance the facilities at existing children's centres which were outlined in the report for Members consideration.

#### **REASON FOR DECISION**

The Local Authority had been notified that it would receive capital funding to develop two further children's centres in the Borough. Subsequent advice received has indicated that the capital provision could be used to enhance existing stock if locally it is determined that further centres are not required.

#### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

Consideration was given to developing further children's

centres, however, following analysis of reach figures it was recognised that further centres were not necessary.

**IMPLEMENTATION DATE**

This should be confirmed immediately with Together for Children. Work can then progress on developing the existing provisions at Windmill Hill Children's Centre and Upton All Saints Children's Centre and Primary School.

RESOLVED: That

- 1) The Executive Board recommend the Council to approve the recommendation that the Phase 3 capital funding be made available to Halton for the enhancement and maintenance of current children centre stock; and
- 2) The Executive Board note the positive developments at Windmill Hill Children's Centre and Primary School and approve a lease for up to 5 years to the Primary Care Trust to establish a temporary health facility on the school site.

Strategic Director-  
Children & Young  
People

*Meeting ended at 2.35 p.m.*