

## **THE VALE OF GLAMORGAN COUNCIL**

### **REQUEST FOR THE USE OF EMERGENCY POWERS – CORONAVIRUS PANDEMIC**

**SUBJECT:** Barry Waterfront – New Two Form Entry Primary School

1. **Originating / Department / Service** –

Planning Department and 21<sup>st</sup> Century Schools

2. **Reason for Seeking Emergency Powers** –

1. To seek approval for the Council's total contribution for the new two form primary school at Barry Waterfront = £4,187,463 [see cost break down below], of which £3,678,463 will be paid to the Consortium via instalments, at stages throughout the delivery of the school.
2. To seek approval for the use of £92,315.18 S106 money which remains unallocated from Barry Waterfront for 'Community Facilities' towards the Council's total contribution for the new two form entry primary school at Barry Waterfront.
3. To seek approval for the use of Prudential Borrowing (£386,147.80) towards the Council's total contribution for the new two form entry primary school at Barry Waterfront.
4. To seek delegated authority so that the Council's 21<sup>st</sup> Century Schools Operational Manager, can agree to the instalments and stages for the Council's contribution to the Consortium, to a maximum of £3,678,463.
5. To seek delegated authority so that the Council's 21<sup>st</sup> Century Schools Operational Manager can inspect and sign off the stages agreed under recommendation 2, and to authorise payment for instalments, as and when required.

**Background:**

The Vale of Glamorgan Council secured a 210-place primary school and a nursery, together with ancillary facilities, on land at Barry Waterfront, via a Section 106 Agreement (dated 02/03/2012) (as amended) (planning ref: 2009/00946/OUT). The Consortium of developers for Barry Waterfront are required to construct the school upon a circa. 1.5 ha site which they own on the Waterfront, and then transfer the new school and site to the Council upon completion.

The Council's proposal is to transfer Ysgol Sant Baruc to the new educational facility on Barry Waterfront, and provide additional school places to meet the future demand for Welsh Medium education by expanding the school from 210 places to 420 places. The Council has agreed with the Consortium that they will deliver the new two-form entry primary school. The Council has

agreed to provide 0.5 ha additional land, in order to accommodate the expansion to a two-form entry school.

The Council must pay the difference to the Consortium for them to build the enlarged 420 place primary school and nursery (difference between a one form entry and two form entry school) and cover any expenses relating to the Council's own land.

Further details regarding the consultation and the publication of the statutory notices can be found at the following link:

<https://www.valeofglamorgan.gov.uk/en/living/schools/Consultations/Expanding-Ysgol-Sant-Baruc.aspx>

### **Financial implications:**

The approved Band B Strategic Outline Programme projected that the Council's contribution to the scheme would be £3.709million in total, which would include the Council's Project Management and 21<sup>st</sup> Century school costs. This would be met by Welsh Government 21<sup>st</sup> Century School Band B grant funding, as approved by Cabinet and the Welsh Government.

The Council's contribution to the scheme has increased, due to abnormal costs associated with the additional land required for the development of the school site to a two-form entry school; the increased costs due to the SAB requirements and inflation. The total contribution the Council requires is now £4,187,463 (this includes the Council's Project Management, FFE & ICT and associated costs).

Calculated as follows:

- £3,232,875 - VOGC's contribution for school build as agreed and in accordance with Welsh Government Guidance regarding standard costings for 21<sup>st</sup> Century Schools;
- £275,390 VOGC's contribution towards abnormals based upon proportional cost on the Council's own 0.5ha land (based upon 27%);
- £117,198 VOGC contribution towards SAB costs based upon 50% proportion
- £53,000 VOGC contribution to cover inflationary cost increases based upon 50% proportion
- £509,000 FFE & ICT and associated costs.

The total to be paid to Consortium = £3,678,463

Total for Band B from VOGC required: £4,187,463

Band B budget at present profiled on Capital Programme = £3.709m

The Council therefore requires £478,463 additional funding to support the scheme.

The Council has £92,315.18 S106 money which remains unallocated from Barry Waterfront for 'Community Facilities'. The legal definition is: "to provide

facilities or services on or within the vicinity of the site which meet the local community needs and are publicly available". The new two form entry school will provide a variety of facilities and services, consequently, it is recommended that this money is used to support the scheme, which will reduce the shortfall currently in the programme.

It is recommended that the remaining shortfall (£386,147.80) will be met via Prudential Borrowing.

### 3. **Policy Framework and Budget** –

PLEASE INDICATE as appropriate that the matter that you are seeking the use of Emergency Powers for is a Cabinet or Council function.

Cabinet

Council

### 4. **Relevant Scrutiny Committee** –

Environment and Regeneration

### **IMPORTANT**

The following sections **must** be completed **prior** to the request being submitted to the Democratic and Scrutiny Services Section for processing.

I confirm (delete as appropriate)

~~(a) — That there are no financial implications and the relevant Cabinet Member, Leader and / or the Deputy Leader has been consulted and is in agreement with the use of Emergency Powers; **or**~~

(b) That, in view of the financial commitments, the Head of Financial Services, the appropriate Chief Officer, the relevant Cabinet Member, Leader and / or Deputy Leader have been consulted and are in agreement with the use of the Emergency Powers ~~and that~~

~~(c) — For matters relating to the Planning Committee the Chairman of the Planning Committee has also been consulted and is in agreement with the use of Emergency Powers;~~

~~(d) — For matters relating to the Licensing Committee the Chairman of the Licensing Committee has also been consulted and is in agreement with the use of Emergency Powers.~~

~~(e) — For matters relating to the Welsh Church Act Estate Committee the Chairman of the Welsh Church Act Estate Committee has also been consulted and is in agreement with the use of Emergency Powers.~~

~~(f) — For matters relating to policy the relevant Scrutiny Committee Chairman has been consulted and is in agreement with the use of Emergency Powers.~~

**Signed:** M . Goldsworthy.....  
**(Instructing Chief Officer)**

**Date:** 4/6/20.....

**Please print name:** Marcus Goldsworthy.....

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**I hereby approve under my Emergency Powers the attached recommendation(s) on behalf of the Cabinet / Council (please delete as appropriate).**

**Signed:** D.R. Thomas..... **Date:** 8/6/20.....  
**Managing Director**

**NB Should the relevant portfolio Cabinet Member be unable to be consulted only the Leader and / or Deputy Leader be consulted in their absence.**

**N.B. Cabinet: 23<sup>rd</sup> March, 2020 Minute No. 295**