

Delegated Decisions by Cabinet Member for Finance

Friday, 9 June 2023 at 9.00 am

Council Chamber - County Hall, New Road, Oxford OX1 1ND

If you wish to view proceedings, please click on this [Live Stream Link](#).
However, that will not allow you to participate in the meeting.

Items for Decision

The item for decision under individual Cabinet Members' delegated powers is listed overleaf and the related report is attached. This is an urgent decision and is exempt from Call-in.

Copies of the reports are circulated (by e-mail) to all members of the County Council.

These proceedings are open to the public



Martin Reeves
Chief Executive

May 2023

Committee Officer: **Colm Ó Caomhánaigh**
colm.oacaomhanaigh@oxfordshire.gov.uk 07393001096

Note: *Date of next meeting: 20 June 2023 (if required)*

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

Items for Decision

1. Declarations of Interest

2. Questions from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet Member's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

3. Petitions and Public Address

Members of the public who wish to speak at this meeting can attend the meeting in person or 'virtually' through an online connection.

Requests to speak must be submitted by no later than 8.30am on the morning of the meeting. Requests to speak should be sent to committeesdemocraticservices@oxfordshire.gov.uk.

If you are speaking 'virtually', you may submit a written statement of your presentation to ensure that if the technology fails, then your views can still be taken into account. Written submissions should be no longer than 1 A4 sheet.

4. Woodstock CofE Primary School Expansion to 2 Form Entry Construction Contract (Pages 1 - 4)

Forward Plan Ref: 2023/161

Contact: James Bolt, Consultant Project Lead, james.bolt@oxfordshire.gov.uk; Liz Clutterbrook, Head of Major Projects, liz.clutterbrook@oxfordshire.gov.uk

Report by Director of Customer and Culture.

To seek approval to seal a construction contract for expansion works at Woodstock CofE Primary School in order to enable expansion in September 2023.

The Cabinet Member is RECOMMENDED to

- a) approve the school expansion project at Woodstock Church of England Primary School and contract award to ISG Construction Limited as referred to in this report, and**
- b) delegate authority to the Director of Customer & Culture in consultation with the Head of Legal and Deputy Monitoring Officer to complete all necessary legal documentation to give effect to this contract award.**

Councillors declaring interests

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed 'Declarations of Interest' or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your employment; sponsorship (i.e. payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member 'must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself' and that 'you must not place yourself in situations where your honesty and integrity may be questioned'.

Members Code – Other registrable interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your other registerable interests then you must declare an interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

Other registrable interests include:

- a) Any unpaid directorships

- b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority.
- c) Any body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

Members Code – Non-registrable interests

Where a matter arises at a meeting which directly relates to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under other registrable interests, then you must declare the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

This page is intentionally left blank

Divisions Affected - Woodstock; Kidlington South; Kirtlington & Kidlington North

Cabinet Member for Finance

9 June 2023

Woodstock CofE Primary School Expansion to 2 Form Entry Construction Contract

Report by Director of Customer & Culture

RECOMMENDATION

1. **The Cabinet Member is RECOMMENDED to**
 - a) approve the school expansion project at Woodstock Church of England Primary School and contract award to ISG Construction Limited as referred to in this report, and
 - b) delegate authority to the Director of Customer & Culture in consultation with the Head of Legal and Deputy Monitoring Officer to complete all necessary legal documentation to give effect to this contract award.

Executive Summary

2. Following the completion of their design work the Council seeks to enter into a JCT Design & Build contract with ISG Construction Limited for the construction works at Woodstock CofE Primary School.
3. ISG were procured via the Department for Education Construction Framework. The Woodstock project was batched with the Faringdon Primary School project as a “future school”, meaning that the successful tenderer for that was given the opportunity to tender for the Woodstock project.
4. ISG were appointed under a Pre-Construction Services Agreement for the design work in December 2022 and now need to urgently proceed with the site works in order to complete the required works over summer 2023 in order to allow the school to expand in 2023 so Council can meet its statutory duty to provide basic need pupil places.
5. The Initial Business Case for Woodstock Primary School Expansion to 2 FE – was approved on 5/2/2020 and the project entered the capital programme (£3m). This will have been presented as a single line item in the Capital Monitoring Report as it was over £1m.

6. The project has progressed and ISG Construction Limited were appointed under a JCT Pre-Construction Services Agreement contract for the relevant design and early works in December 2022.
7. Following the completion of their design work the Council seeks to enter into a JCT Design & Build project for the construction works. This was approved via a Procurement Recommendation Award report and a Request for Sealing Form. The contract execution has slipped past the planned date and it is now urgent for the contractor to start works week commencing 12 June 2023, otherwise there is a strong risk that the required works won't be complete in time for the school to expand its intake in September 2023.

Corporate Policies and Priorities

8. This proposed course of action supports the Council's statutory duty to provide basic need pupil places required due to population growth.

Financial Implications

9. The capital funding for this project has been approved as part of the capital programme, with the most recent project budget being approved as part of a Full Business Case in October 2022. The project is funded from S106 agreements and the Basic Need programme funding.
10. Should the recommended course of action not be followed, the project is likely to incur additional costs in the form of inflation costs due to delay in starting on site, additional preliminaries costs from the contractor for maintaining their site setup (site offices and welfare facilities), and additional temporary school accommodation required to accommodate the additional reception pupil intake in September 2023 if the required works are late in completing.

Comments checked by:

Bick Nguyen-McBride
Assistant Finance Business Partner
Email: Bick.Nguyen-McBride@Oxfordshire.gov.uk

Legal Implications

11. As a key decision, this is required to enable the project to proceed and to comply with the Council's legal and constitutional requirements. The decision will enable legal services to enter into the relevant contractual documentation on behalf of the Council.

Comments checked by:

Paul Grant, Head of Legal and Deputy Monitoring Officer
paul.grant@oxfordshire.gov.uk

MARK HAYNES
Director of Customer & Culture

Background papers: [Report to Deputy Leader and Cabinet Member for Children, Education & Young People's Services 24 May 2022](#)

Contact Officer: James Bolt, Consultant Project Lead
Email: james.bolt@oxfordshire.gov.uk,
Liz Clutterbrook, Head of Major Projects
Email: liz.clutterbrook@oxfordshire.gov.uk.

June 2023

This page is intentionally left blank