

## **Divisions Affected - Wallingford**

### **DELEGATED DECISIONS BY CABINET MEMBER FOR FINANCE**

**12 April 2024**

#### **New St Nicholas CofE Primary School, Wallingford – Funding Agreement**

**Report by Executive Director of Resources and Section 151 Officer**

#### **RECOMMENDATION**

The Cabinet Member for Finance is **RECOMMENDED** to:

- a) **Approve the sealing of a Funding Agreement between the council and Oxford Diocesan Schools Trust (ODST). The Funding Agreement will enable ODST to draw down funding provided by the council for the construction of a new primary school on the Slade End Strategic Housing Development in Wallingford.**
- b) **Approval for the council to release funding greater than £1m to ODST.**

#### **Executive Summary**

1. The S106 Agreement for the Slade End Strategic Housing Development in Wallingford includes 2.22ha site for a new primary school. The proposal is to relocate St Nicholas CE Infants' School onto the new site, enabling it to extend its age range to become a Primary School.
2. St Nicholas CE Infants' School is an academy managed by ODST. ODST are self-delivering the new primary school using funding provided by the council through a Funding Agreement. The anticipated completion date for the new primary school is summer 2026.
3. An Out of Tolerance Business Case for this project was approved by Cabinet in December 2023 with a budget of £13.959m.
4. ODST are about to procure the services of Morgan Sindall as their contractor to construct the new school, which they procured through the Pagabo Framework.

## Corporate Policies and Priorities

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

## Financial Implications

6. An Out of Tolerance Business Case was approved by Cabinet in December 2023 with a budget of £13.959m. This budget will be funded from £9.077m S106 Contributions, £0.5m from the NZC Contingency and £4.383m from the Basic Need Contingency.
7. A Full Business Case will be submitted once ODST obtain a fixed tender price.
8. There are no revenue implications to the council because all revenue costs are the responsibility of ODST.

Comments checked by:

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## Legal Implications

9. The Council has a statutory duty including under section 14(1) of the Education Act 1996 and all other relevant Acts of Parliament, regulations to secure additional school places for children within the County. This funding arrangement to ODST will enable the Council to fulfil its statutory function.
10. As the funding under the funding agreement will be passed directly to works contractors to cover the building and other professional costs, then is no benefit to the Academy Trust, this being a mere pass-through arrangement. Therefore, there are no Subsidy law implications of transferring this funding to the ODST.
11. Under the terms of the funding agreement, in selecting contractors and consultants for the building works, ODST is required to go through a procurement process which would be compliant with the Public Contract Regulations 2015 ("PCR 2015"). This ensures that the works contracts represent value and comply with the Council's obligations under PCR 2015, under the Subsidy Control Act 2022 and under the Council's

Contract Procedure Rules. ODST will also be required to comply with all applicable legislation in carrying out the building project.

Comments checked by:

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Report by Lorna Baxter  
Executive Director of Resources and Section 151 Officer

Background papers:

- Out of Tolerance Business Case, approved by Cabinet 19 December 2023

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