



## Items for Decision

### 1. Declarations of Interest

See guidance below.

### 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 9am four working days before the meeting. Requests to speak should be sent to [committeesdemocraticservices@oxfordshire.gov.uk](mailto: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. A written copy of your statement can be provided no later than 9 am 2 working days before the meeting. Written submissions should be no longer than 1 A4 sheet.*

### 4. St Nicholas Primary School, Wallingford (Pages 1 - 4)

Cabinet Member: Finance

Forward Plan Ref: 2023/039

Contact: Liz Clutterbrook, Head of Major Projects

[liz.clutterbrook@oxfordshire.gov.uk](mailto:liz.clutterbrook@oxfordshire.gov.uk)

Report by Executive Director of Resources and Section 151 Officer

**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.

## **5. Deddington Depot Salt Barn (Pages 5 - 8)**

*Cabinet Member:* Finance

*Forward Plan Ref:* 2024/055

*Contact:* Liz Clutterbrook, Head of Major Projects,

[liz.clutterbrook@oxfordshire.gov.uk](mailto:liz.clutterbrook@oxfordshire.gov.uk)

Report by Executive Director of Resources and Section 151 Officer

**The Cabinet Member of Finance is RECOMMENDED to approve:**

- a) **The Deddington salt barn, washdown facility and demolition of condemned site cabins (Phase 1) proceeding into Stage 3 and entering a JCT D&B 2016 contract with Ryebridge Ltd.**

**Note:** the above is subject to receiving full planning permission by 5<sup>th</sup> April 2024, prior to going into contract with Ryebridge Ltd to commence the Phase 1 main construction works.

- b) **Progressing with the tender of the design, planning and installation of new site offices and then entering a contract as long as the total project cost of Phase 1 and Phase 2 does not exceed £2.830m.**

## **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.

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## 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:

Bick Nguyen-McBride (Assistant Finance Business Partner)

Email: [Bick.Nguyen-McBride@Oxfordshire.gov.uk](mailto:Bick.Nguyen-McBride@Oxfordshire.gov.uk)

## 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:

Busola Akande, Solicitor  
Email: [Busola.akande@oxfordshire.gov.uk](mailto:Busola.akande@oxfordshire.gov.uk)

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

Contact Officer: Nick Tomkins, Strategic Liaison Manager  
Email: [nick.tomkins@oxfordshire.gov.uk](mailto:nick.tomkins@oxfordshire.gov.uk)

Liz Clutterbrook, Head of Major Projects  
Email: [liz.clutterbrook@oxfordshire.gov.uk](mailto:liz.clutterbrook@oxfordshire.gov.uk).

29 February 2024

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## Divisions Affected - Deddington

### DELEGATED DECISIONS BY CABINET MEMBER FOR FINANCE

12 APRIL 2024

### Deddington Depot Salt Barn and Depot Improvements Construction Contract

### Report by Executive Director for Resources and Section 151 Officer

### RECOMMENDATION

The Cabinet Member of Finance is **RECOMMENDED** to approve:

- a) The Deddington salt barn, washdown facility and demolition of condemned site cabins (Phase 1) proceeding into Stage 3 and entering a JCT D&B 2016 contract with Ryebriidge Ltd.

Note: the above is subject to receiving full planning permission by 5<sup>th</sup> April 2024, prior to going into contract with Ryebriidge Ltd to commence the Phase 1 main construction works.

- b) Progressing with the tender of the design, planning and installation of new site offices and then entering a contract as long as the total project cost of Phase 1 and Phase 2 does not exceed £2.830m.

### Executive Summary

1. The Full Business Case was approved by Property Capital Programme Board on 20<sup>th</sup> March 2024 with an approved budget of £2.830m including £66k external funds drawn down from the decarbonisation fund for the installation of solar photovoltaic panels.
2. The primary driver for the project is to address environmental regulations and opportunity of revenue costs avoidance for future depot operation and maintenance costs.
3. The procurement of the Phase 1 construction works was competitively tendered on a two stage Design and Build basis. Ryebriidge Ltd was appointed in June 2023 under a Pre-Construction Services Agreement. The contractor and their design team have now developed the proposals to RIBA 4 detailed design, and it is ready for construction.
4. The Phase 1 construction period for the project remains as one of the critical path items as it needs to take place outside of winter service months due to the

build being on the site where the salt is currently stored. It is not an option to construct during the winter service period as the Drayton Depot is unable to serve North Oxfordshire to deliver the winter highways service for a prolonged period. The project will therefore experience a year delay should the programme not be met.

5. A business contingency plan has been reviewed to ensure that the service can still deliver should the contractor experience delay during construction.
6. The Phase 2 construction works are required to be competitively tendered due to the works value being over the 10% procurement threshold and the public procurement rules. This will take forward independently following completion of the RIBA Stage 3 works by Ryebidge.

## **Corporate Policies and Priorities**

7. The proposed course of action supports the Council's statutory duty to protect the salt from the elements improving efficiency in salt spreading and will prevent salt leaching into the environment and local water courses.

There is potential for prosecution from the Environment Agency and Thames Water as OCC are currently exceeding their effluent allowances and there is a severe threat of enforcement notices being served which could result in significant expenditure for temporary mitigation works or closing of the sites, as well as reputational damage. In this circumstance OCC would not be able to fulfil their Statutory obligations in terms of salting the highway network during the winter months.

The proposed course of action and business benefits of the Phase 2 works is to improve the working environment for staff working at the depot and revenue costs avoidance in future years.

## **Financial Implications**

8. The total project budget has been approved as part of the capital programme, with the most recent project budget of £2.830m being approved as part of the Full Business Case in March 2024. The project is funded from the following budget sources:
  - a) £2.764m is funded from the Corporate Capital budget.
  - b) £66k is funded from the decarbonisation budget held by Sam Thomas to provide solar photo voltaic panels on the roof of the barn. The application for external funding was approved on 7<sup>th</sup> March 2024.
  - c) No S106 funding is available in the Deddington area (confirmed by Christine Stevenson as per email on 8<sup>th</sup> March 2024).

Comments were reviewed and approved by Finance as part of the Full Business Case.

Bick Nguyen-McBridge

Assistant Finance Business Partner  
Email: [bick.nguyen-mcbride@oxfordshire.gov.uk](mailto:bick.nguyen-mcbride@oxfordshire.gov.uk)

## **Legal Implications**

9. 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 were reviewed and approved by Legal as part of the Full Business Case.

Paul Grant  
Head of Legal and Deputy Monitoring Officer  
Email: [paul.grant@oxfordshire.gov.uk](mailto:paul.grant@oxfordshire.gov.uk)

## **Staff Implications**

10. The project budget includes allowance for internal staff costs for a Project Lead in the Major Projects team to ensure the project is delivered to the required standards within the project programme and budget agreed in the Full Business Case.

## **Equality & Inclusion Implications**

11. The project does not have any equality and inclusion implications with no change to current operations.

## **Sustainability Implications**

12. The benefit of reducing operational carbon was later identified with the addition of solar photovoltaic panels on the barn roof confirmed as a viable opportunity. The inclusion of solar photo voltaic panels will help OCC deliver the ambition of reducing operational carbon.

## **Risk Management**

13. Project risks including any impacts to the Council's statutory duty for compliance with Environmental Regulations has been monitored and managed by the Project Lead.

## **Consultations**

14. A planning pre-application was submitted to OCC with an initial Teams meeting taking place on 21st September 2023. The pre-application feedback was formally provided in November 2023.
15. There is generally support for the scheme and the developing proposals with no comments causing risk to the success of the project.

16. A full planning application was submitted with the consultation period starting on 12<sup>th</sup> January 2024. The target date for planning determination date is the 5<sup>th</sup> April 2024.
17. The Service has been regularly consulted at design meetings by the contractor and design team throughout the previous stage. Regular progress and site meetings are being held throughout all stages.

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

Annex: Annex 1 - Full Business Case

Background papers: Nil

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Chris Dyer  
On behalf of Liz Clutterbrook  
Head of Major Projects  
Email: [chris.dyer@oxfordshire.gov.uk](mailto:chris.dyer@oxfordshire.gov.uk)

March 2024