

COUNCIL

13 JANUARY 2022

REPORT OF CABINET - SUMMARY OF DECISIONS TAKEN

Consideration of Specification and Land Acquisition for New Secondary School

1. In February 2021, Cabinet considered options for ensuring the Council is able to meet its duty to ensure a sufficiency of school places for all children and young people of statutory school age over the next five years. A key element of that programme was the agreement to deliver a new Secondary School to be built to address the shortfall in places within the Worcester City Council boundary.
2. Cabinet has subsequently noted the outcome of the engagement survey which was undertaken in the early summer. The majority of comments made to this have been incorporated into the draft specification for the school. Consultation on the final specification for the school has also been authorised by Cabinet and the CMR will approve this having regard to any representations made.
3. A detailed assessment of site options has been undertaken which has considered a wide number of factors. It has considered all available sites either on the market or proposed for development within the Local Plan. The full assessment has concluded that the site at Newtown Road ('The Site') is the recommended site option to deliver a new secondary school for Worcester City. The Newtown Road site does come with some challenges in the design and construction of the school, most notably the management of the highways and active travel routes link; and management of a 14m level difference on site.
4. Sufficient land will be purchased to enable the delivery of the new secondary school. The site does provide further possible opportunity for non-school provision, for example NHS additional space and lease income, however these opportunities have not been fully explored. The primary purpose for this land purchase is the delivery of education services. Cabinet has delegated authority to officers to complete a negotiated purchase of the land.
5. Council is being recommended through the budget process to allocate appropriate capital funding for the school.

Resources Report – Revenue Budget Monitoring – Month 6 (30 September) 2021/22

6. Cabinet has considered a report setting out the 2021/22 outturn forecast for the Council's £355 million net revenue budget as at Month 6 (30 September 2021), the estimated financial impact of COVID-19 and progress to date on the savings and reforms programme.
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7. As at month 6 the Council is forecasting a £1.3 million cost pressure after utilisation of COVID-19 grant income, that is 0.4% of its net revenue budget. As such the Council's financial resilience and standing remains strong.

8. The Council is managing around £52 million of additional one-off funding to support our response to COVID-19. This includes working alongside partners and suppliers to ensure vital support services are enabled across the County area. The Council's spend is in line with the additional funding allocated by Central Government and all funds are forecast to be utilised.

9. The latest position on Dedicated Schools Grant (DSG) spending indicates that there will be a net deficit at year end (-£3.6m) with 35 schools in deficit and 81 in surplus. In addition, spend on the High Needs Block is forecast to overspend by £6.1 million. The funding of schools in the County remains an issue the Council is raising with Government, and we are assessing the impact of the recently announced extra Government funding as part of setting next year's budget. The Council will continue to work with schools to look at any actions possible to reduce the forecast deficit by year end.

Fair Funding for Schools 2022-23 – National and Local Funding Arrangements for Schools

10. The Council receives funding for schools and designated central services through the Dedicated School Grant (DSG). This is a ring-fenced grant and is allocated by the Department for Education (DfE) in 4 blocks – Schools, Central School Services, High Needs and Early Years. This is based on the DfE's National Funding Formula (NFF) arrangements.

11. Cabinet has noted the DfE policy for school and Local Authority funding for 2022-23 and the engagement process with, and views of, the Worcestershire Schools Forum members and schools. It has approved the Local Schools Funding Formula for Worcestershire mainstream schools from April 2022 to apply for 2022-23, to include the DfE Minimum Funding Levels (MFL's) for Primary £4,265; Key Stage 3 £5,321; Key Stage 4 £5,831; Secondary £5,525, to be based as far as is practicable and affordable upon the Department for Education (DfE) National Funding Formula (NFF) parameters.

12. Cabinet has also authorised the Director of Children's Services to make the required submission to the Education and Skills Funding Agency for the approved Local Schools Funding Formula.

Policy and Process for the Determination of Penalties Under the Tenant Fees Act 2019 and Associated Legislation

13. Cabinet has adopted a policy and framework for issuing fixed penalty notices under the Tenant Fees Act 2019.

14. The Act places a statutory duty on Worcestershire County Council as the local weights and measures authority, to enforce this legislation in its area. The Act prohibits the charging of fees in respect of a tenancy other than those which are specifically permitted. It amends a range of other legislation to support the enforcement of these

provisions to ensure protections for those renting. The law should now give clarity over what agents can charge prospective tenants for and should make costs much clearer to those entering into rental agreements.

15. Whilst the Council is not a housing authority, it already has a number of duties that impact on the way properties are marketed. This is the likely reason for tenant fees being added to this broad portfolio.

16. The Act makes use of a fixed penalty regime as part of its enforcement processes. In order to levy fines, the local authority must develop and approve a policy that outlines what the fines will be for particular forms of offending. All fees levied in this way by the enforcing local authority are retained by the Council but must be invested in further work around housing law enforcement.

17. The law includes the provision of a body to provide an enforcement backstop role on occasions where local authorities are unable to pursue serious matters of non-compliance, a 'Lead Enforcement Authority'. Bristol City Council is carrying out this role and in order to ensure consistency between local authorities and fairness for businesses, has produced a model policy and fines framework that local authorities can adopt for use locally.

Waste Management Service Contract

18. The County Council and Herefordshire Council entered into a contract for an integrated waste management service with Mercia Waste Management Limited (Mercia) in December 1998. Under the Public Contracts Regulations 2015 and the terms of the Waste Management Service Contract (WMSC), which expires in January 2024, the parties are able to agree an extension.

19. Cabinet at its meeting in December 2018 set out certain Parameters (Financial, Contractual and Technical) which the terms of any proposed extension were required to meet in order to be considered as acceptable to the Council.

20. Since the 2018 Report, Officers together with colleagues from Herefordshire Council, have been engaged in negotiation with Mercia to agree terms of a possible extension subject to satisfy the Parameters. As the WMSC expires in January 2024 a decision on whether or not to agree the terms of an extension needed to be made.

21. Cabinet has noted the progress in relation to the WMSC since the report to Cabinet in December 2018 and agreed that Mercia's Proposals represent an acceptable position for the Council to progress the Variation. It has authorised the Strategic Director for Economy and Infrastructure, in consultation with the Chief Finance Officer, the Assistant Director for Legal and Governance and Herefordshire Council, to negotiate the WMSC and enter into a Variation with Mercia to put into effect their proposals for extending the duration of the WMSC for a period of five years until 11 January 2029 provided that the Variation complies with:

- The Financial Parameters
- The Contractual Parameters; and
- The Technical Parameters

as set out in the report to Cabinet in 2018.

Contact Points

Specific Contact Points for this report

Sheena Jones, Democratic Governance and Scrutiny Manager

Tel: 01905 846011

Email: sjones19@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Assistant Director for Legal and Governance) the following are the background papers relating to the subject matter of this report:

Agenda and background papers for the meetings of the Cabinet held on 18 November and 9 December 2021.

[Browse meetings - Cabinet - Worcestershire County Council \(moderngov.co.uk\)](https://www.moderngov.co.uk/Worcestershire-Council/Cabinet)