



RHONDDA CYNON TAF COUNCIL

RECORD OF DECISIONS OF THE EXECUTIVE

DECISION MADE BY: Cabinet DATE DECISION MADE: 22 June, 2022

Cabinet Members Present:

Councillor A Morgan (Chair), Councillor M Webber (Deputy Chair),
Councillor G Caple, Councillor A Crimmings, Councillor R Lewis,
Councillor C Leyshon, Councillor M Norris and Councillor B Harris

Agenda Item : 18

SUBJECT: Sustainable Communities Learning Programme (Formerly 21st Century Schools) - Financial Close for MIM Pathfinder Project

1. DECISION MADE:

Agreed –

Cabinet Agreed to:

1. Note the position as set out in the report on the submission of a Full Business Case (FBC) to Welsh Government (WG) in respect of the batched project of Pontyclun, Llanilltud Faerdref and Penygawsi primary schools, and the next step which is to proceed to financial close;
2. Subject to Welsh Government's approval of the FBC;
3. Review and agree the updated costs and funding package for the schools as outlined in section 8 of this report;
4. Approve the execution, delivery and performance of the Project Agreement with Project Co (to be established by the Welsh Education Partnership Co Limited) together with the Funders' Direct Agreement, the Collateral Agreements, the Independent Tester Contract and the Insurance Proceeds Account Agreement, (together the "Agreements") (and any documents to be delivered by the Agreements pursuant thereto) to facilitate the delivery of the batched primary schools Pontyclun Primary, Llanilltud Faerdref Primary and Penygawsi Primary schools;
5. Approve the Project Agreement (attached at Appendix A) which will incorporate Schedule 14 Payment Mechanism (attached at Appendix B) and summarised in Appendix 1 and 2 of this report so as to give effect to recommendation (2.2.2), subject to recommendation (2.2.5) below;
6. Approve the Funders' Direct Agreement, the Collateral Agreements, the Independent Tester Contract and the Insurance Proceeds Account Agreement (also as Schedules of the Project Agreement) (attached at Appendices C, D, E and F) so as to give effect to recommendation (2.2.2), subject to recommendation (2.2.5) below;
7. Note that the Director of Legal Services and Monitoring Officer shall complete the Agreements for execution and is approved to:
 - complete all information gaps including but not limited to confirmation of financial obligations (including the Annual Service Charge and Monthly Service Payment in consultation with the Director of Finance and Digital Services) and commitments of the Council and programme dates; and
 - make any further genuine project specific drafting changes to the Agreements, as may be required
 - and that by the act of execution any final changes are approved;
8. Give delegated authority to the Director of Legal Services and Monitoring Officer to approve any further deeds and documents for execution by the Council which are ancillary to the Agreements approved here; and
9. Note that the Chief Executive, the S151 Officer, or the Monitoring Officer will complete certificates under the Local Government (Contracts) Act 1997 and agree to indemnify this officer in the act of doing so.

2. REASON FOR THE DECISION BEING MADE:

To obtain the necessary authorisations and to agree the funding package for the new primary schools for Pontyclun, Llanilltud Faerdref and Penygawsi to enable the Project Agreement to be entered into and for the works to commence in line with the programme.

3. LINKS TO CORPORATE PRIORITIES/FUTURE GENERATIONS - SUSTAINABLE DEVELOPMENT:

There are links to RCTCBC's Education and Inclusion Services Strategic Plan for 2022 to 2025 and its mission: '*To deliver equity and excellence in Education and enhanced well-being for all*'. The proposal will also support delivery against the five strategic priorities, most notably:

Strategic Priority 2 – Supporting educational settings to deliver a transformational curriculum, high quality teaching and learning and improved outcomes for all.

Strategic Priority 5 – Delivering 21st Century learning environments and innovative services for our learners and communities.

4. CONSULTATION UNDERTAKEN PRIOR TO DECISION BEING MADE:

Full engagement with the schools, governing bodies and local elected members has been undertaken as part of the MIM Stage 2 detailed design process, with the designs for the new school buildings and associated facilities presented to the schools, governing bodies and local elected members in autumn 2021.

The necessary formal consultation process has been undertaken as part of the planning application process in relation to these proposals and there are no further requirements as a result of the recommendations in this report. Planning consent for all three schools was granted on the 10th of March 2022.

A pre-planning application consultation (PAC) was undertaken in the autumn of 2021 and community drop-in sessions were held relating to each of the three schools covered under this proposal. Local community members were invited to view the plans, speak with officers from the Council and WEPCo and provide comments on the proposal.

The update report presented to Cabinet on the 20th of July 2021 was presented to the Overview and Scrutiny Committee on the 16th of July 2021 for pre-scrutiny, providing scrutiny Members with the opportunity to comment on the Council's MIM Pathfinder Project, which is part of Welsh Government's Sustainable Communities for Learning Programme. Feedback from this meeting was presented verbally to the Cabinet at its meeting on the 20th of July 2021.

5. PREVIOUS CONSIDERATION BY A COMMITTEE OF THE COUNCIL:

None

6. PERSONAL INTERESTS DECLARED:

None

7. DISPENSATION TO SPEAK (AS GRANTED BY STANDARDS COMMITTEE):

N/A

8. (a) IS THE DECISION SUBJECT TO CALL-IN BY THE OVERVIEW AND SCRUTINY COMMITTEE:

Yes

Note: This decision will not come into force and may not be implemented until the expiry of 3 clear working days after its publication to enable it to be the subject to the Call-In Procedure in Rule 17.1 of the Overview and Scrutiny Procedure Rules.

The closing date for Call-In is 5pm on the 27 June 2022

8.(b) IF NO, REASONS WHY IN THE OPINION OF THE DECISION-MAKER THE DECISION IS EXEMPT OR NON APPLICABLE:

I. COUNCIL / SCRUTINY FUNCTION (CALL IN IS THEREFORE NON APPLICABLE):-
Reason: N/A

II. URGENT DECISION:-
Reason N/A

8.(c) IF DEEMED URGENT - SIGNATURE OF PRESIDING OFFICER OR DEPUTY PRESIDING OFFICER OR HEAD OF PAID SERVICE CONFIRMING AGREEMENT THAT THE PROPOSED DECISION IS REASONABLE IN ALL THE CIRCUMSTANCES FOR IT BEING TREATED AS A MATTER OF URGENCY, IN ACCORDANCE WITH THE OVERVIEW AND SCRUTINY PROCEDURE RULE 17.2:

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(PRESIDING OFFICER)

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(Dated)

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PUBLICATION

Publication on the Councils Website:- **Wednesday, 22 June 2022**

APPROVED FOR PUBLICATION: ✓

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