

# Agenda



**AGENDA for a meeting of the RESOURCES, PROPERTY AND THE ECONOMY CABINET PANEL in COMMITTEE ROOM B at County Hall, Hertford on WEDNESDAY, 18 APRIL 2018 at 10:00AM**

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## **MEMBERS OF THE PANEL (12) (Quorum 3)**

M Bright (Vice-Chairman), R C Deering (substituting for F Button), H K Crofton, S B A F H Giles-Medhurst, P V Mason, A J S Mitchell, M D M Muir (substituting for C M Hayward), R H Smith, S J Taylor, A S B Walkington, J D Williams (Chairman), P M Zukowskyj

Meetings of the Cabinet Panel are open to the public (this includes the press) and attendance is welcomed. However, there may be occasions when the public are excluded from the meeting for particular items of business. Any such items are taken at the end of the public part of the meeting and are listed under "Part II ('closed') agenda".

Committee Room B is fitted with an audio system to assist those with hearing impairment. Anyone who wishes to use this should contact main (front) reception.

**Members are reminded that all equalities implications and equalities impact assessments undertaken in relation to any matter on this agenda must be rigorously considered prior to any decision being reached on that matter.**

**Members are reminded that:**

- (1) if they consider that they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting they must declare that interest and must not participate in or vote on that matter unless a dispensation has been granted by the Standards Committee;**
- (2) if they consider that they have a Declarable Interest (as defined in paragraph 5.3 of the Code of Conduct for Members) in any matter to be considered at the meeting they must declare the existence and nature of that interest. If a member has a Declarable Interest they should consider whether they should participate in consideration of the matter and vote on it.**

## **PART I (PUBLIC) AGENDA**

### **1. MINUTES**

To agree the minutes (Part I and Part II) of the Resources, Property and the Economy Cabinet Panel held on 15 March 2018. (Part II *Minutes to follow*)

## **2. PUBLIC PETITIONS**

The opportunity for any member of the public, being resident in Hertfordshire, to present a petition relating to a matter with which the Council is concerned, which is relevant to the remit of this Cabinet Panel and which contains signatories who are either resident in or who work in Hertfordshire.

Members of the public who are considering raising an issue of concern via a petition are advised to contact their [local member of the Council](#). The Council's criterion and arrangements for the receipt of petitions are set out in [Annex 22 - Petitions Scheme](#) of the Constitution.

If you have any queries about the petitions procedure for this meeting please contact Stephanie Tarrant, Democratic Services Officer, by telephone on (01992) 555481 or email [stephanie.tarrant@hertfordshire.gov.uk](mailto:stephanie.tarrant@hertfordshire.gov.uk).

At the time of the publication of this agenda no notices of petitions have been received.

If you have any queries about the procedure please contact Stephanie Tarrant, Democratic Services Officer, by telephone on (01992) 555481 or email [stephanie.tarrant@hertfordshire.gov.uk](mailto:stephanie.tarrant@hertfordshire.gov.uk).

## **3. LEP UPDATE**

*Presentation by Neil Hayes, Hertfordshire LEP*

## **4. FUTURE OF TOWER PRIMARY SCHOOL, WARE**

*Report of the Director of Children's Services*

## **5. OTHER PART I BUSINESS**

Such Part I (public) business which, if the Chairman agrees, is of sufficient urgency to warrant consideration.

## **PART II ('CLOSED') AGENDA EXCLUSION OF PRESS AND PUBLIC**

This agenda includes Part II business. The Chairman will move:-

“That under Section 100(A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item/s of business on the grounds that it/they involve/s the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the said Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

## **1. FUTURE OF TOWER PRIMARY SCHOOL, WARE**

*Report of the Director of Children's Services*

**If you require further information about this agenda please contact  
Stephanie Tarrant, Democratic Services, on telephone no (01992) 555481 number  
or email [stephanie.tarrant@hertfordshire.gov.uk](mailto:stephanie.tarrant@hertfordshire.gov.uk).**

Agenda documents are also available on the internet at:  
<https://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings.aspx>.

**KATHRYN PETTITT  
CHIEF LEGAL OFFICER**

# Minutes



To: All Members of the Resources,  
Property & The Economy  
Cabinet Panel, Chief  
Executive, Chief Officers, All  
officers named for 'actions'

From: Legal, Democratic & Statutory Services  
Ask for: Stephanie Tarrant  
Ext: 25481

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## RESOURCES, PROPERTY AND THE ECONOMY CABINET PANEL 15 MARCH 2018

### ATTENDANCE

#### MEMBERS OF THE PANEL

M Bright (Vice-Chairman), F Button, H K Crofton, R C Deering (substituted for C M Hayward), B A Gibson (substituted for S B A F H Giles-Medhurst), P V Mason, A J S Mitchell, R H Smith, S J Taylor, A S B Walkington, J D Williams (Chairman), P M Zukowskyj

#### OTHER MEMBERS IN ATTENDANCE

S K Jarvis

Upon consideration of the agenda for the Resources, Property and the Economy Cabinet Panel meeting on 15 March 2018 as circulated, copy annexed, conclusions were reached and are recorded below:

*Note: A conflict of interest was declared by J D Williams and is recorded at item 4.*

#### PART I ('OPEN') BUSINESS

##### 1. MINUTES

- 1.1 The Minutes (Part I and Part II) of the last meeting held on 14 February 2018 were agreed.

##### 2. PUBLIC PETITIONS

- 2.1 There were no public petitions.

##### 3. HORIZONS MAGAZINE AND EXTERNAL CHANNEL STRATEGY [Officer Contact: Andrew Hadfield, Head of Communications, Tel: 01992 556446]

- 3.1 Members received a report which detailed the planned phased reduction in the number of issues of Horizons magazine each year and improvements to the wider external channel strategy.

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#### ACTION

- 3.2 The Panel acknowledged the County Council's shift in approach to external communications and the increased use of interaction through digital channels. The Hertfordshire County Council Twitter feed had to date 94,000 followers and there were 77,000 people signed up to the 'Update Me' newsletter.
- 3.3 Market research and Focus Groups had been used to consider the impact on residents of reducing the number of published Horizons magazines with a summary of the findings noted at section 5 of the report. Members noted that significant savings would be made from reducing the publications to one magazine a year.
- 3.4 It was noted that alternative methods for delivering communications were being considered e.g. the use of local district publications/newspapers, libraries and bus shelters.
- 3.5 Members discussed the need to continue to provide residents with a list of useful contact details and it was noted that work was underway with borough/district councils to determine how this information could best be distributed. Calendars or other materials suitable for being retained under fridge magnets were suggested as potentially useful tools for providing information.
- 3.6 In response to a Member question, it was noted that the single annual publication was likely to be produced each March to tie in with annual budget setting. The March 2018 issue of Horizons would be followed by a September/October 2018 edition, with a move to a single annual edition from March 2019.
- 3.7 The Panel discussed the need to ensure communications were still shared with those residents that may not use digital technology e.g. or those without access to the required IT equipment.

### **Conclusion**

- 3.8 The Cabinet Panel:
- a) noted the phased reduction of Horizons magazine and gradually decrease the number of editions (from the current three) to two in 2018/19 and single annual printed publication by 2019/20;
  - b) noted the wider external channel improvements and extra short-term measures;
  - c) noted the implementation of the next steps and timescales.

**4. HERTFORDSHIRE COUNTY COUNCIL'S MEMBERSHIP OF THE LOCAL GOVERNMENT ASSOCIATION**

[Officer Contact: Alex James, Head of Corporate Policy, Tel 01992 588259]

- 4.1 A conflict of interest was declared by J D Williams as a Member of the LGA Resources Board. This item of business was chaired by the Vice-Chairman. A personal interest was declared by M Bright and S J Taylor as Members of the LGA, however it was not considered necessary for these Members to refrain from participation in the discussion.
- 4.2 The Panel considered a report which detailed the proposed changes to Hertfordshire County Council's relationship with the Local Government Association (LGA).
- 4.3 Members noted that in July 2017 the LGA agreed to become incorporated in the form of a 'private unlimited company', which would enable the LGA to become more financially sustainable. It was not expected that there would be any change to the way in which the County Council receives services from the LGA. Members noted that if all LGA Members signed up to the new status then the unincorporated LGA would dissolve in Summer 2018.
- 4.4 Members discussed the changes being made by the LGA and noted that there were not any major changes required to the County Council's subscription.
- 4.5 The Panel discussed the positive role of the LGA and the powerful opportunities it provided for a large number of Councils to work together.

**Conclusion**

- 4.6 The Cabinet Panel noted that:
- the Director of Resources, in accordance with the County Council's Constitution, had delegated authority to sign the relevant application form for Hertfordshire County Council to be admitted as a member authority of the LGA's private unlimited company.
  - the Director of Resources' decision to sign will be subject to financial due diligence by the County Council's finance team on the LGA's proposed structure of a private unlimited company and in consultation with the Leader of the Council (in line with his responsibilities for the Resources, Property and the Economy portfolio).

**CHAIRMAN'S  
INITIALS**

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**5. TO CONSIDER THE ACQUISITION OF LAND TO THE SOUTH OF BYGRAVE ROAD, BALDOCK**

[Officer Contact: Mike Evans, Head of Estates and Asset Management, Tel: 01992 555 634]

- 5.1 Members considered a report which detailed the proposal to acquire land to the south of Bygrave Road, Baldock.
- 5.2 The Panel acknowledged that the land would be useful in the delivery of the emerging urban expansion North of Baldock and acquisition of the land would aid the delivery of viable access routes adjacent to the local railway line.
- 5.3 In response to a Member question on the area of the land being considered for purchase, it was advised that the land was 0.3 hectares (0.7 of a acre).
- 5.4 Members discussed the challenges of ensuring that access to the site going forward was satisfactory for movement between the site and the rest of Baldock.
- 5.5 Officers clarified that the planning application could be modified to accommodate the additional land.

**PART II ('CLOSED') AGENDA  
EXCLUSION OF PRESS AND PUBLIC**

- 5.6 The Panel agreed to move into Part II ('closed' session').
- 5.7 That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the said Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 5.8 Following discussion on the Part II Report, the Panel moved back into Part I (open session) and agreed the recommendations.

**Conclusion**

- 5.9 The Resources, Property and the Economy Cabinet Panel recommended to Cabinet that Cabinet:

i) authorises acquisition of the freehold interest in the Land to the south of Bygrave Road, Baldock, as is shown on the attached Title Plan HD349670 at Appendix A;

ii) delegates to the Director of Resources authority to agree the terms of the acquisition, in consultation with the Leader of the Council (as responsible for the Resources, Property and the Economy portfolio); and

iii) authorises capital funding for the acquisition and subsequent overage from the Invest to Transform Capital Spend to Achieve reserve.

## **6. APPOINTMENT OF JOINT VENTURE PROPERTY DEVELOPMENT PARTNER**

[Officer Contact: Mike Evans, Head of Estates and Asset Management, Tel: 01992 555 634]

- 6.1 Members considered a report which provided an update on the outcome of the final stage of the Competitive Dialogue relating to the procurement of a joint venture property development partner. A revised appendix 4 was tabled and can be viewed here: [Revised Appendix 4](#)<sup>1</sup>.
- 6.2 Members noted the report set out the formal financial and legal mechanisms proposed for the joint venture. The Delegation Matrix attached at appendix 2 of the report was acknowledged and it was advised that the Matrix would evolve once in practice and that the County Council had power to make amendments to it as required, by utilising the governance mechanisms set out in the papers. Members acknowledged the delegations sought in the recommendations to reach contract sign off.
- 6.3 It was clarified that risks discussed at previous Panels due to legal action taken against Haringey Council had been fully considered, with external legal advice provided alongside oversight from the Chief Legal Officer to ensure s123 requirements of the Local Government Finance Act were satisfied. Members were assured that counsel had reviewed the documents and had given a strong view that the proposals were compliant. Members were given examples of the minor changes provided which had refined the wording of the documents rather than proposing fundamental changes.
- 6.4 Members noted that a change was required to the County Council's Investment Strategy as detailed in the revised Appendix 4. Panel were asked to recommend this change to Cabinet so that the change could be considered by full Council on 27 March 2018. It was noted the revision to appendix 4 had been made to ensure it provided sufficient detail to make it a standalone document. Members were

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<https://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/814/Committee/104/SelectedTab/Documents/Default.aspx>



informed that land transfers could not take place until the revised Investment Strategy was agreed by Council.

- 6.5 The Panel noted paragraph 6.5 of the report which detailed the three routes for the transfer of land to Herts Living Limited and that each was s123 compliant. It was clarified that all three routes provided the same ultimate outcome financially and that the most appropriate route would be used for each site.
- 6.6 In response to a Member question in relation to risks, Members were assured that whilst risks could not be guaranteed e.g. if there was a significant change in the housing market, overall the procurement process had delivered competitive financial outcomes. Members were informed that market testing had taken place on one site which confirmed that the price included in the bid from the preferred joint venture partner on the site was comparable to the best bid received if the site was sold alone. Officers gave assurance that they were satisfied that the appropriate routes had been taken to mitigate risks. In addition it was noted that the Herts Living Limited Business Plan would require approval by Cabinet and therefore Members would be able to see further detail on expected proceeds and risks alongside the management process. Members discussed the use of a risk register and it was advised that additional risks would be detailed in the Herts Living Ltd Business Plan.
- 6.7 Members queried if there were any conflicts of interest for the County Council in terms of other investments e.g. Pensions Fund. It was confirmed that the Pensions Fund was held by Fund Managers who made the investment decisions and therefore the County Council was one step removed and did not influence specific investment decisions.
- 6.8 In response to a Member question in relation to the new rules on prudential borrowing, it was clarified that officers were satisfied that the new rules would not impact on the proposed arrangements with Herts Living. The council's external treasury advisers had reviewed the process and had advised that they were appropriate.
- 6.9 Members noted that community consultation had not been included in the report and it was advised that specific details for each site would be built into the joint venture development plan.
- 6.10 The Member Advisory Group was discussed and it was noted that this would be a cross party group with nominations to be made from each Group.
- 6.11 In response to a Member question around how the proposed Delegation Matrix would work in practice, officers explained the cascade such that if Herts Living Directors did not have authority to

make decisions as set out in the matrix, they would be referred for decision by the Council's shareholder representative, including input from the Member Advisory Group as required, per the thresholds set out in the delegation matrix. In addition it was clarified that the Council as a Shareholder (as used in the title of column three) was in terms of where the decision was being made to be consistent with the constitution. The Matrix would delegate decisions to the Director of Resources as the Shareholder Representative; however it remained possible for the Shareholder Representative to refer decisions to Cabinet should that be considered necessary.

- 6.12 Members discussed the forms of asset transfer and lease as detailed on page 14 of the report. It was clarified that whilst the joint venture was to be a long-term partnership there was flexibility going forward to develop sites outside the joint venture if deemed appropriate. Members were advised that in terms of transfer, it was unlikely that values would increase in the period between the agreement to develop a site and the sign off. With regards to overage, Members heard that for the initial 12 sites, the County Council would take an element of the capital with the remainder staying with the preferred bidder, which would create equal risk and reward.
- 6.13 Members commented that Herts Living Ltd needed to work as a commercial enterprise and avoid unnecessary process or bureaucracy, with responsibility for day to day operation of the company to be given to Officers. In addition it was noted that social aspects needed to be built into the venture to also ensure local social benefits. Members heard that work within the joint venture would look to optimise the value of each asset including social and commercial considerations.

**PART II ('CLOSED') AGENDA  
EXCLUSION OF PRESS AND PUBLIC**

- 6.14 The Panel agreed to move into Part II ('closed' session').
- 6.15 That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the said Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 6.16 Following discussion on the Part II Report, the Panel moved back into Part I (open session) and agreed the recommendations.

**CHAIRMAN'S  
INITIALS**

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## Conclusion

- 6.17 The Resources, Property & the Economy Cabinet panel recommended to Cabinet that Cabinet:
- i. authorises the award of contract to DevCo as a wholly owned subsidiary company of the Preferred Bidder subject to a Parent Company Guarantee from the Preferred Bidder, in accordance with the procurement process, that leads to the formalisation of the partnership between Herts Living Limited and the Preferred Bidder, subject to the award of the contract not occurring until full Council has agreed the recommendation referred to in xi below.
  - ii. approves the delegation matrix for Herts Living Limited, as set out in Appendix 2, and notes that any changes to the Delegations Matrix will be in accordance with the delegations set out within that document.
  - iii. approves the amended Articles of Association for Herts Living Limited, as set out in Appendix 3.
  - iv. approves the County Council entering into the Initial Sites Option Agreement between the County Council, Herts Living Limited and the Joint Venture LLP (as detailed in section 12 of this report) the terms of such documents to be agreed by the Director of Resources, in consultation with the Leader of the Council (as responsible for the Resources, Performance & the Economy portfolio).
  - v. authorises the Director of Resources, in consultation with the Leader of the Council (as responsible for the Resources, Performance & the Economy portfolio) to finalise all arrangements, to make any other decisions as are necessary and agree other documents (including the Parent Company Guarantee from the Preferred Bidder) necessary for the County Council to conclude the arrangements in the Recommendation 3.1.1.i
  - vi. confirms that the Director of Resources has authority to act as the shareholder representative for the County Council regarding Herts Living Limited, and has authority to authorise the Directors of Herts Living Limited to enter into a contract and create the Joint Venture partnership with DevCo as a wholly owned subsidiary company of the Preferred Bidder, including all the required legal documents and such other documents required to enable the setting up of the Joint Venture partnership (as detailed in section 12 of this report).
  - vii. delegates to the Director of Resources in consultation with the

Leader of the Council (as responsible for the Resources, Performance & the Economy portfolio), as representative shareholder for County Council authority to formalise the composition and structure of the HLL Member Advisory Group.

- viii. notes the proposed corporate structure of the Joint Venture Partnership and the routes (set out in section 6 of this report) of how the County Council will transfer land for development to Herts Living Limited or the Joint Venture Partnership, and delegates to the Director of Resources in consultation with the Leader of the Council (as responsible for the Resources, Performance & the Economy portfolio), authority to implement the corporate structure of the Joint Venture Partnership and to utilise the routes for investment and the transfer of land for development to Herts Living Limited or the Joint Venture Partnership, (subject to such land being determined as surplus to requirements in accordance with the County Councils Constitution and identified by the County Council as available to Herts Living Limited or the Joint Venture Partnership).
- ix. notes that the Director of Resources in consultation with the Leader of the Council (as responsible for the Resources, Performance & the Economy portfolio), will develop with the Managing Director of Herts Living Limited the required Business Plan for Herts Living Limited, which will be presented to Cabinet at a later date to agree the terms.
- x. delegates to the Director of Resources in consultation with the Leader of the Council (as responsible for the Resources, Performance & the Economy portfolio), authority to agree and provide a loan to Herts Living Limited in the sum of £325,000, on terms that are acceptable to the Director of Resources in consultation with the Chief Legal Officer with regards the legal documentation required.
- xi. recommends that full Council approve a limit of £50m for non-treasury investments to cover the arrangements required in accordance with the routes for investment and land transfer (set out in section 6), as required by Ministry of Housing Communities & Local Government statutory guidelines and to be included in a revised Investment or Treasury Management Strategy.
- xii. delegates (subject to full Council agreeing to recommendation xi) authority to the Director of Resources in consultation with the Leader of the Council (as responsible for the Resources, Performance & the Economy portfolio), to agree and provide loans to Herts Living Limited to fund the purchase of equity in the Joint Venture on terms that are acceptable to the Director of Resources

in consultation with the Chief Legal Officer with regards to the legal documentation required.

**7. OTHER URGENT PART I BUSINESS**

7.1 There was no other urgent Part I business.

**PART II ('CLOSED') AGENDA**

**1. TO CONSIDER THE ACQUISITION OF LAND TO THE SOUTH OF BYGRAVE ROAD, BALDOCK**

**Conclusion**

1.1 The recommendations on this item of business are recorded at 5.9 above.

**2. APPOINTMENT OF JOINT VENTURE PROPERTY DEVELOPMENT PARTNER**

**Conclusion**

2.1 The recommendations on this item of business are recorded at 6.17 above and in the separate Part II minutes.

**KATHRYN PETTITT  
CHIEF LEGAL OFFICER**

**CHAIRMAN** \_\_\_\_\_

**CHAIRMAN'S  
INITIALS**

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**HERTFORDSHIRE COUNTY COUNCIL**

**RESOURCES, PROPERTY AND THE ECONOMY CABINET PANEL  
WEDNESDAY, 18 APRIL 2018 AT 10:00AM**

**LEP UPDATE**

*Presentation by Neil Hayes, Executive Director, Local Enterprise Partnership*

**1. Summary**

- 1.1 Presentation to be received to provide an update and advise on any current issues in relation to the Hertfordshire Local Enterprise Partnership and current Government economic development related initiatives.

**2. Recommendation**

- 2.1 The Panel is asked to note the presentation.

**HERTFORDSHIRE COUNTY COUNCIL****RESOURCES, PROPERTY AND THE ECONOMY CABINET PANEL  
WEDNESDAY, 18 APRIL 2018 AT 10:00AM****FUTURE OF TOWER PRIMARY SCHOOL, WARE***Report of the Director of Children's Services*

Author: Juliet Whitehead, Education Leadership Team,  
Tel: 01438 844880

Executive Member: David Williams (as responsible for the Resources,  
Property and the Economy portfolio)

Local Member: David Andrews (Ware North)

**1. Purpose of report**

To agree the future arrangements and finances required for managing Tower Primary School, Ware in order for the Ivy Learning Trust Board to approve sponsorship.

**2. Summary**

- 2.1 In March 2017 Tower Primary School ("the School") in Ware was judged by Ofsted to be Inadequate. The School is a maintained 2 to 11 years school and has a current roll of 138 pupils (as of January 2018) out of a total capacity of 210 pupils in reception through to year 6. The School is therefore currently only 66% full and has modest reserves for 17-18 financial year.
- 2.2 Since the School has been judged by Ofsted to be Inadequate, the Secretary of State for Education is required to issue an Order directing its conversion to Academy status under Section 4 of the Academies Act 2010 ("the Act").
- 2.3 Discussions were held by the Regional Schools Commissioner on behalf of the Secretary of State for Education with a number of academy trusts already operating within Hertfordshire but no suitable solution was found. As a result, the Ivy Learning Trust based in Enfield was approached by the DfE to sponsor Tower Primary School, Ware.
- 2.4 Initial discussions between the County Council and the Ivy Learning Trust board were positive and the Ivy Learning Trust board has approved in principle the sponsorship of the School.

### **3. Recommendations**

3.1 Panel is invited to recommend to Cabinet that Cabinet agrees:

- (i) that the County Council conclude an agreement with the Ivy Learning Trust Board around the sponsorship of Tower Primary School, Ware as set out in the Part II report.
- (ii) to delegate to the Director of Children's Services, in consultation with the Executive Member for Education, Libraries and Localism, to agree the required terms and conditions required for the agreement between the County Council and Ivy Learning Trust Board with regards the sponsorship of Tower Primary School, Ware.
- (iii) that the County Council provide Tower Primary School, Ware with £37,000 of additional capital funding to deal with outstanding building condition and ICT issues.
- (iv) that an application for an in-year variation to the school's Published Admission Number to reduce it to 15 in September 2019 will be made to the Office of the School Adjudicator.
- (v) that the financial contributions required are to be agreed by the Director of Resources, in consultation with the Director of Children's Services and the Executive Members for Resources, Property and the Economy and for Education, Libraries and Localism.

Panel is asked to Note:

- (i) That there is a target conversion date of September 2018.

### **4. Background**

4.1 Meetings have been held between the County Council, the (DfE) Academies Regional Delivery Group and the Ivy Learning Trust where the following options were considered:

- a. To close the School immediately.
- b. To close the School to new pupils.
- c. Sponsorship of the School by the Ivy Learning Trust.

4.2 In Section 5, below, options a, b and c are considered in some further detail.

4.3 In the interim, following a meeting between the County Council and the Ivy Learning Trust in December 2017 it was agreed that Ivy Learning Trust would commit to short term support (until September 2018) by providing school improvement support, including strong leadership, for two terms during which the School would continue to be a maintained school. At the same time the Ivy Learning Trust and the County Council would work together to restructure the School to prepare it for future financial viability, with the Ivy Learning Trust looking to sponsor the School to become an academy.



4.4 The following action has now taken place:

- An Acting Head of School has been appointed by the Ivy Learning Trust and is now working in the School.
- The Ivy Learning Trust has produced a Raising Achievement Plan (school improvement plan) with costings based on the Ofsted and Statement of Action report. Implementation of the Raising Achievement Plan began at the start of spring term i.e. January 2018 and the progress of work undertaken has been significant. Leadership presence is evident across the school and a full-time Head is having a positive impact. Standards including teaching across the school are being addressed and training has been provided to staff across a number of areas including English, maths, safeguarding, and mindfulness.

## 5. Feasibility of closure of the School in the context of supply and demand for school places

5.1 There are currently 138 on the school roll at School, broken down as follows:

School Name	Number On Roll	R	1	2	3	4	5	6
Tower Primary	138	22	15	20	21	25	14	21

5.2 Applications for reception 2018 are very low with only 6 having the School as their first preference (5 of these are siblings) and 19 naming it somewhere in their list of preferences. These figures compare to 15 as first preference and 28 altogether having the School in their list of preferences for last year. At this stage it is not thought that there will be any Non Ranked Allocations to Tower Primary School as there will be a surplus of places in Ware.

5.3 Officers and the Ivy Learning Trust have therefore also agreed that an application for an in-year variation to the school's PAN be made to the Office of the School Adjudicator to reduce it to 15 in September 2019 to support the sustainability of the school whilst it recovers from consecutive low intakes.

5.4 The Ivy Learning Trust is confident that it will be able to increase the reception intake back to 30 after two years of their sponsorship especially in light of the fact that there are well in excess of 15 children who live closer to Tower Primary School than any other school.

5.5 The alternative to the Ivy Learning Trust sponsoring Tower Primary school is closure which we believe is not feasible for a number of reasons including complications around accommodating the children in other schools particularly in terms of travel and the loss of places for children moving in-year to the Ware area and also in the longer-term when significant new housing development is being planned. The cost would not be insignificant as the Council would need to consider bulge classes in neighbouring schools based on providing additional temporary accommodation with the total likely to be in the region £600,000.

5.6 Officers forecast for Ware for 2018/19 is 38 surplus places out of the 285 available. Please see Table A below.

**Table A: Showing Reception Place pupil number demand forecast for Ware Town using 2017/18 census data**

8.3	Ware Town	Interim Forecast - Primary Schools						
School No	School	PAN	2015/16 Actual	2016/17 Actual	2017/18 Actual	2018/19 Forecast	2019/20 Forecast	2020/21 Forecast
305	Christ Church CoE (VA)	45	45	44	44			
306	St Mary's (VC) CofE Junior	0	0	0	0			
307	St Catherines Primary*	60	57	57	49			
<b>309</b>	<b>TOWER PRIMARY</b>	<b>30</b>	<b>25</b>	<b>22</b>	<b>24</b>			
310	Priors Wood Primary	30	30	31	25			
311	Kingshill Infant	60	60	60	56			
312	Sacred Heart Catholic Primary	30	30	30	30			
316	St. John the Baptist	30	30	28	24			
	Actual Number on Roll		277	272	252			
	Number of Reception Places Available	285				285	285	285
	Demand					247	241	240
	Surplus/Shortage					<b>38</b>	<b>44</b>	<b>45</b>
	% Surplus/Shortage					13.3%	15.4%	15.8%
	No of FE					1.3	1.5	1.5

5.7 However, the situation with regard to places is usually tight with the forecast generally lower than the actual demand historically. Ware children normally attend Ware schools with more children coming into the area than leaving. There are in fact well in excess of 15 children who live closer to Tower Primary School than any other school (53 children in 2018, 49 in 2019, 56 in 2020 and 47 in 2021).

5.8 Whilst it can be seen that in the short and medium term there are surplus primary places in Ware, in the longer term major housing development to the North of Ware will lead to a requirement for new places. In the first instance officers would expect that to be met by a new school within the new development area.

#### **Impact of closure of the School**

5.9 If the School were to be closed during the next academic year, officers would not expect an immediate and acute shortage of reception places. However, the key challenge lies in accommodation of existing children in older year groups, currently within Tower Primary School. Table B below shows the 'surplus capacity' in each Ware primary school from reception through to year 6. There are not enough spaces in every year group to accommodate the pupils if Tower Primary School was closed with the current years 1, 2, 3 and 4 being an issue.

5.10 To deal with this, in the event of closure, there are two theoretical options, which are not mutually exclusive. Firstly, the County Council would need to consider bulge classes in neighbouring schools for year groups 1, 2, 3 and 4

based on providing additional temporary accommodation. There is not the physical capacity to absorb bulge classes onto one site, so classes would need to be absorbed into different sites, potentially causing an issue for siblings that would be located to different sites. There are considerable site constraints at primary schools in Ware, so there is no guarantee that the option of providing additional temporary accommodation would be deliverable. Importantly, it is not at all clear that existing schools in Ware would be willing to accept expansion in such circumstances, given the potential negative impacts of this on their schools. The costs of this arrangement are likely to be of the order of £600,000 in additional temporary accommodation costs, to the extent that full provision in this way is eventually proved feasible.

- 5.11 An alternative method to manage the closure of the School would be to disperse children to Ware in the first instance with the remaining capacity dispersed to village schools in the area. There are 138 children at the School and a total of 158 school places across the area including outlying villages up to ten miles away. The distribution of places by age-group does not match the distribution of spaces needed, most particularly in year 4. The educational impact of dispersing handfuls of children per class to so many schools is considered detrimental to the education of all children in the area. This strategy would also fill many schools leaving few spaces and meaning that children moving in to the area may have to travel considerable distances to schools- ten of the children from the School would need to travel over 9 miles. Clearly this raises a number of issues for the very youngest children. It is also likely that some of the schools will be under pressure with the upcoming Gilston/'Harlow North' development where schools will not be built until an unknown, but assumed high, number of families will require school places.
- 5.12 The infrastructures of village schools receiving the pupils would require additional investment in both in terms of capital and revenue. Village schools operate at equilibrium and are not geared towards being full. Many operate a vertical teaching structure and the impact of a significant influx of pupils in disparate age groups would be significant both in terms of investment that would be needed from Herts for Learning (HfL) to support standards during a period of significant change, additional staffing and classroom resources. It is likely that some form of significant transport costs would also be incurred. This option is therefore considered most undesirable given detrimental impact to education, the loss of any school places for children moving-in to the area.

**Table B- School Vacancies in surrounding schools excluding Tower**

School Name	Parish	Distance to Tower (miles)	Year Group							Total
			YR	1	2	3	4	5	6	
Priors Wood Primary School	Ware	0.4	3	0	0	1	1	2	1	8
Christ Church (C of E) VA Primary & Nursery	Ware	0.5	0	2	0	0	0	6	0	8
St Mary's (VC) C of E Junior School	Ware	0.7				0	0	0	0	0
Kingshill Infant School	Ware	0.8	1	1	0					2
Sacred Heart Catholic Primary	Ware	1.2	-1	-1	1	0	0	-1	1	-1
St Catherine's (C of E) Primary School	Ware	1.2	10	0	1	4	-1	-3	3	14
Thundridge Primary School	Thundridge	2.3	7	4	2	1	0	3	2	19
St Andrew's C of E (V C) Primary	Stanstead Abbots	2.8	0	0	2	0	0	0	1	3
Wareside C of E Primary School	Wareside	2.9	4	0	2	3	1	2	0	12
Puller Memorial C of E Voluntary Aided Primary School	Thundridge	3.3	8	5	8	4	7	5	6	43
Widford Primary School	Widford	4.6	3	2	-2	2	0	0	2	7
Hunsdon JMI School	Hunsdon	5.6	-5	-1	0	0	-3	0	0	-9
St Andrew's C of E Primary and Nursery	Much Hadham	6.7	12	8	-1	3	-2	-2	5	23
High Wych C of E Primary School	High Wych	9.6	-2	0	-1	1	0	3	-1	0
Watton-at-Stone Primary and Nursery School	Watton-at-Stone	9.7	0	0	0	0	0	0	0	0
Little Hadham Primary School	Little Hadham	10.2	10	4	3	0	-3	1	0	15
<b>Total</b>			<b>50</b>	<b>24</b>	<b>15</b>	<b>19</b>	<b>0</b>	<b>16</b>	<b>20</b>	<b>144</b>

**Progressive closure of the School, to new pupils**

5.13 The option of closing the School to new pupils has not been considered in great detail. However, this would be a poor option for the children at the School. The School would find it hard to recruit staff and even harder to maintain a strong vision for the future. Moreover, it would be impossible to operate it in an acceptable way without an appreciable financial deficit; and this would very likely be greater than the deficit that would emerge under Ivy Learning Trust management, because of the lack of economies of scale that would become progressively worse. In any event, the Regional Schools Commissioner might well choose to direct the County Council to undertake an early closure in any case.

### **Sponsorship by the Ivy Learning Trust**

- 5.14 Since December 2017, extensive discussions have taken place between the County Council and the Ivy Learning Trust. In these discussions officers have been pursuing four objectives:
- The best education for the children currently at the School
  - No adverse impact on the quality of education in other local schools
  - That the local community has a choice of school places available of an appropriate quality, now and for the future
  - A solution for the School with the minimum financial cost to the County Council.
- 5.15 There is little doubt that the first three of these objectives would be best met by a successful sponsorship of the School by the Ivy Learning Trust. The Ivy Learning Trust board has approved in principle the sponsorship of the School and we have now reached a preliminary agreement with the Ivy Learning Trust. The main issues for debate within the discussions to date have been round the financial cost to the County Council.
- 5.16 Given the adverse educational consequences of seeking to close the School immediately, as well as the major practical difficulties and unquantifiable costs and feasibility of dispersing existing pupils, it is therefore proposed to go forward to seek to agree a sponsorship deal with the Ivy Learning Trust.
- 5.17 It should be noted that this may not be accepted by the Regional Schools Commissioner, in which case our expectation would be that closure would become likely.

## **6. Financial implications**

- 6.1 Details of the financial implications are contained in the Part II report and for capital expenditure in paragraph 3.1 of this report.

## **7. Equality Implications**

- 7.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the Equality implications of the decision that they are making
- 7.2 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EQiA) produced by officers.
- 7.3 The Equality Act 2010 requires the County Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and

persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.

- 7.4 There will be sufficient places within Tower Primary school, even with a reduced PAN of 15, to accommodate all the first choice preferences for reception 2018 and additional requests for places, including for children with SEN. In addition, in the event that the proposal is taken forward the School's admissions policy will not change and Officers are of the view that the objectives noted in paragraph 5.9 will be met. Officers have therefore concluded that the proposal would allow the County Council to discharge its duties under Section 149 of the Equality Act.

*Background Information*

*None.*