



Minutes of the electronic Corporation meeting held at 1700hrs on 11 November 2020

Present	Guy Ainsley	Phil Berry	Irina Kendix
	Richard Lewis	Matt Luheshi	Chris Nicholls
	Jason Smith	Ben Stapleton	Paul Thompson
In Attendance	Phil Thompson (Chair)	Gill Worgan (Principal)	David York
	Ralph Devereux (Clerk)	Gary Dixon (DPQ)	Sarah Knowles (DP (P&D))
	Eamonn McCarroll (DoF)	Louise Barden (Principal's PA)(Observer)	
Apologies	Cath Gunn (Principal, Barnfield)	Tammy Nuthall (DP, Barnfield) (attendee)	

The Chair welcomed all to the meeting. An urgent incident at Barnfield College (BC) required that Cath Gunn and Tammy Nuthall were unavoidably absent.

PART ONE

17/20 ELIGIBILITY, QUORUM, DECLARATION OF INTERESTS

- a. No notice had been received of any Member becoming ineligible to hold office, the meeting was quorate and there had been no interests declared.
- b. Electronic meetings were confirmed as compliant with Standing Orders (SO); members had submitted questions in advance and these would be addressed at the relevant stage of the agenda. The meeting format was explained and agreed. **(Action 1)**

18/20 STANDING ITEMS

- a. the Minutes (Part 1&2) of the meeting held on 14 October 2020 were confirmed for electronic signature; the Clerk to Action. **(Action 2)**
- b. Matters Arising. There were no matters arising.
- c. Outstanding Actions. All actions from the last meetings were considered and discussed; it was agreed that all had been implemented or were in progress.

See referenced minute for full detail.		Status
Action 1	01/20b. Meeting format agreed.	complete
Action 2	02/20a. Last minutes (08.07.20 & 26.08.20) confirmed.	
Action 3	02/20e. AC ToRs approved.	
Action 4	05/20a. Research home working incidence benchmarks.	
Action 5	05/20b. HAS Policy approved.	
Action 6	06/20. Safeguarding Policy approved.	
Action 7	07/20. Subcontracting Fees Policy approved.	
Action 8	08/20. Modern Slavery statement approved.	
Action 9	09/20c. Staff Member election required	
Action 10	09/20d. ML confirmed as Safeguarding Nominee	
Action 11	11/20b. Thanks recorded to staff for commitment.	

- d. Matters arising. There were no matters arising from the minutes.

- e. Urgent Business. There was no urgent business requested.

The information was received and noted.

Actions had been identified. (Register 24/20 below)

19/20 PRINCIPAL'S REPORT

The Principal's report, which included the Performance Dashboard, covered detail outside the scope of the agenda; it had been circulated in advance and was received, several points were considered further:

- a. Attendance. Covid measure had adversely affected attendance generally however, WHCG attendance, whilst was below the target of 90% (BC 83.5% & WHC 87.5%) this compared favourably with the local schools 76% and the national 72%.
- b. Employability. The challenge of obtaining industry placements (IP) had significantly increased this year, there were currently 106 places secured against 359 at the similar point in the previous year. The associated funding (£500k) could possibly be "clawed back" but this year's target had been deferred until 2021, meaning that would not occur in the current year. That however, could merely defer the problem and close focus was being given to the issue, additionally the Association of Colleges (AoC) was lobbying for protection of the funding.
- c. Government Letters. There had been 2 letters from government; the first relating to the responsibility for closure of Colleges, which was noted and the second, from the Secretary of State for Education (Gavin Williamson) regarding acceptance of the International Holocaust Remembrance Alliance (IHRA) working definition of Antisemitism. That matter prompted detailed considerations. The issue had been raised with Universities during 2019 and had only recently been widened to include Further Education (FE) Colleges. The University of Hertfordshire (UoH) had confirmed that they had not adopted the definition since they did not define other religious discriminations and it was felt inappropriate to "single out" a particular faith; there was some agreement with that as valid. The Association of Colleges (AoC) had sought clarification from the Secretary of State on this issue and it was agreed that the matter would be reconsidered when that advice became available. **(Action 3)**
- d. Spending Review. The spending review, scheduled for 25 November, would primarily set Government Department budgets for the next year; this was later than originally planned, but was in time for College income allocations to be set normally for 2021-22. No major issues were expected except a decision on the Teachers' Pension Grant for the period April to July 2021, for which a grant of £300k was anticipated.
- e. Careers College. An exciting initiative had emerged from the Careers College, namely an opportunity for some short logistics courses to be introduced from January.
- f. AoC Mental Health Charter. The Mental Health Charter applicable to both staff and students had recently emerged; WHC compared positively against the recommended actions but focus on mental health and communications to parents/carers would be maintained.

The information was received and noted.

Actions had been identified. (Register 24/20 below)

20/20 STRATEGY NEW BEDFORD ROAD (NBR) CAPITAL PROJECT

Since the NBR Masterplan had been approved in May 2019 concentrated work had been continuing with the Phase 1 Capital Project; planning permission had been obtained for a new College building together with outline permission for a residential development of <110 family homes. Funding had been secured and, after a formal procurement process, a main contractor had been identified and the cost plan for the remainder of the project had been confirmed as affordable. The Nursery would unavoidably close to enable the project since the land was required; necessary support arrangements for parents and staff had been determined.

Members were asked to consider the current situation and to take enabling decisions focused on 4 areas.

- a. Progression. The 3-phase masterplan would be delivered over time and phase one, construction of a 6000sqm General Further Education (GFE) building, was to be considered at this meeting; details of phases 2&3 were included in the accompanying paper. Approval for funding of associated design work leading to planning permission (£650k) had been given in May 2019 and for work leading to appointment of the main contractor (£850k) in February 2020. Whether to proceed was considered and discussed, it was agreed that progress to the present stage, although requiring tremendous focus and energy, had largely been as originally envisaged and the arguments for the project remained valid. Accordingly, it was unanimously agreed to progress to the next and final stage of the Phase 1 Capital Project, which would include the construction of the new College building. **(Action 4)**
- b. Budget. Having determined to progress it was necessary to commit financially to the Project, the proposals were clearly set out in a comprehensive supporting document, which had been circulated well in advance of the meeting to allow Members' advance considerations. The overriding principle was reiterated; sufficient funding was required to cover all costs without borrowing or unacceptable depletion of cash reserves. The meeting was reminded that in May 2019 the high level costs had been identified as £22-£24m to be sourced from:
 - (i) the sale of surplus land and NBR (c£12-16m);
 - (ii) the sale of Bute Street Car Park (c£5m); and
 - (iii) South East Midlands Local Enterprise Partnership (SEMLEP) grant funding (c£5m).

Contracts had been exchanged for the surplus land on 23 October 2020, the Bute Street Car Park had been sold in June 2020 and SEMLEP Grant of £4.75m had been confirmed in November 2020. Additionally, £1.9m had been received from the Education and Skills Funding Agency (ESFA) as part of a national capital investment fund which was eligible for use in this project. The information had been tabulated for ease of reference and totalled £27.32m. Sufficient funding was therefore available and the information was closely scrutinised and discussed. Timings for receipts of cash from the purchaser Taylor Wimpey (TW) for the land sale was questioned and confirmed as 50% January 2021 and 50% January 2022. The January 2021 payment to be made once the ACV JR period had lapsed and the contract unconditional. Retentions and contingencies in relation to the land sale were questioned; there were no matters included in the Contract that could reduce the net proceeds. Financial arrangements regarding planning obligations included several issues:

- (i) 80% construction of the Linear Park by an agreed timescale; should the College default, TW had step-in rights to complete the work on our behalf and access the funds required. The funds available had been set consistent with the amounts included in the Colleges Cost Plan;
- (ii) 20% construction of Linear Park by an agreed timescale; should the College default, TW would retain ££796,500 but only until works completion. The amount reflected the value of properties that cannot be sold until completion of the works; and
- (iii) The Sale Contract also allowed TW to access funds for asbestos removal from buildings to be demolished. TW would bear normal demolition and the WHCG would pay abnormal costs. For cost effectiveness these works would be completed under one contract commissioned by TW. WHCG included costs to remove asbestos in the Cost Plan; the Sale Contract was the mechanism to make payment.

It was confirmed that the SEMLEP Grant was time limited and must be spent by early 2022; the project spend profile prioritised associated grant expenditure to mid-2021 to

reduce any timing risk. There were no further questions and it was unanimously approved to agree the Phase 1 Capital Project budget of £25,532m. **(Action 5)**

- c. Contract. The project value exceeded the OJEU threshold and accordingly the procurement process for the main contractor had been compliant. Four tenders had been received and had been scrutinised by the professional project management team and cost consultants, respectively "Equals" and "Fusion". Those tendering had been: Farrans Construction, Gilbert-Ash, Graham and Neilcott. Relevant information had been tabulated to show comparative prices and build programme length; these were noted to inform consideration. Members were reassured that:
- (i) a successful competitive tendering process had been completed;
 - (ii) all 4 submitted tender returns were within the available budget and could be delivered with the anticipated programme provided within the tendering documents; and
 - (iii) Farrans had scored the highest marks for their cost submission, as they had the most economically advantageous, holistic pricing submission and were also the highest in qualitative return.

Accordingly, it was recommended that Farrans be appointed in the sum of £17,059,645.48 excluding VAT to undertake design and construction of the Barnfield Phase I building and external works. That recommendation was then considered and discussed. In response to questions it was confirmed that the assessment criteria against which bidders were judged had been set and agreed prior to the tenders being submitted and all contractors were aware of the Colleges requirements. Farrans and Gilbert-Ash had been the two front runners with little difference between their scores; Gilbert-Ash's tender allowed for a 62-week programme compared to Farrans 56-week programme; a critical factor for the SEMLEP Grant payment and planning obligations regarding the Linear Park. Additionally, Gilbert-Ash sought to add a clause for Brexit where, if there were any associated additional taxes, delays etc the college would be liable. This was declined and Gilbert-Ash revised position added 6 weeks to the construction period. Farrans scored higher in the financial section being over £300k cheaper than Gilbert-Ash. In terms of Farrans contact re variations, College initiated changes impacting on the programme would allow Farrans to move the completion date: should Farrans initiate a delay then the College was entitled to LADs payments. (Damages - intended to cover any costs incurred by the delay e.g. procure another contractor). In terms of references Farrans had built the HH Phase 2 project with outstanding performance and quality of finish. The contingency was considered, in addition to the allocated 7%, some specific items included some contingency e.g. asbestos removal and decant costs. It was important to balance appropriate level of contingency against risk management. Surplus funds could contribute to future developments whether directly from the Colleges cash reserves or from Phase 1 underspend. There were no further points and it was unanimously agreed to appoint the construction contract to Farrans Construction. **(Action 6)**

- d. Nursery. Approval of the NBR Masterplan had included the decision to close the BC Nursery to make way for the construction of the Phase I Capital Project. Impacting works were likely in late January/early February and since the approval of the Masterplan enrolments had been limited to minimise the closure effect. Alternative provision had been identified as more than sufficient, partly because of Covid related issues and the consequent enrolments would probably be welcomed. Support for affected parents and staff of the 57 children on roll would be provided and the 14 staff would be provided for through BC Human Resources (HR) There would be an associated part-year Corporation Tax liability which could be accommodated within the BC Budget. The issue was then discussed. The closure had been considered before as explained, the approval of the NBR Masterplan meant that the Nursery could no longer be accommodated. There was a discussion about this at the time the approval was made. Formal and specific approval of closure was now necessary for completeness and audit purposes. There was no intention to re-open the nursery as there would be no accommodation available. There would be no ongoing responsibility or accountability for the children currently attending.

14 employees would be impacted by the change and through a formal and legal process their employment would be terminated; full support would be available to assist with alternative employment either at the College or at other nurseries. There being no further queries it was unanimously agreed that the BC Nursery would be closed to make way for construction of the new College building. **(Action 7)**

The information was received and noted.
Actions had been identified. (Register 24/20 below)

21/20 MEMBERS

There had been no visits or learning walks for Covid related reasons.

22/20 URGENT BUSINESS

There had been no urgent business requested.

23/20 DATE OF NEXT MEETING

The next meeting would be at 1700 on 9 December 2020.

24/20 ACTION REGISTER

See referenced minute for full detail.		Resp	Date
Action 1	17/20b. Meeting format agreed.	Chair	wie
Action 2	18/20a. Last minutes (14.10.20.) confirmed.	Clerk	asap
Action 3	19/20c. IHRA to be reconsidered post AoC advice.		
Action 4	20/20a. Phase 1Capital Project approved.	Chair	wie
Action 5	20/20b. Phase 1 Capital Plan budget approved.		
Action 6	20/20c. Farrans Construction appointed.		
Action 7	20/20d. BC Nursery to close.		asap

Ralph Devereux (Clerk) for Phil Thompson (Chair)

CorpMin11.11.20,Pt1RD

Final Audit Report

2020-12-12

Created:	2020-12-11
By:	Ralph Devereux (office.mpe@btconnect.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA5aR7am3j0Xa1eeBGqZJrAivbq6-Hv5Sy

"CorpMin11.11.20,Pt1RD" History

-  Document created by Ralph Devereux (office.mpe@btconnect.com)
2020-12-11 - 9:28:18 AM GMT- IP address: 86.183.48.228
-  Document emailed to Ralph Devereux (Clerk) for Phil Thompson (Chair) (clerk.mpe@btconnect.com) for signature
2020-12-11 - 9:28:36 AM GMT
-  Email viewed by Ralph Devereux (Clerk) for Phil Thompson (Chair) (clerk.mpe@btconnect.com)
2020-12-12 - 8:03:30 AM GMT- IP address: 89.238.191.203
-  Document e-signed by Ralph Devereux (Clerk) for Phil Thompson (Chair) (clerk.mpe@btconnect.com)
Signature Date: 2020-12-12 - 8:04:08 AM GMT - Time Source: server- IP address: 89.238.191.203
-  Agreement completed.
2020-12-12 - 8:04:08 AM GMT