

**NORTH YORKSHIRE COUNTY COUNCIL**

**DECISION RECORD**

**Re: Proposed Variation to Project Agreement dated 30 March 2001 to expand Barlby Community Primary School**

This record is produced in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012

**This form should be used to record:**

- **EXECUTIVE decisions (key or otherwise) taken by an individual Executive MEMBER; and**
- **EXECUTIVE decisions (key or otherwise) taken by an OFFICER (either alone or in consultation with an Executive Member)**
- **A non-Executive decision taken by an OFFICER which falls into one of the following descriptions:-**
  - (i) under a specific express authorisation; or**
  - (ii) under a general authorisation to officers to take such decisions and, the effect of the decision is to**
    - **grant a permission or licence;**
    - **affect the rights of an individual; or**
    - **award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.**

*(One form per decision)*

**The following decision has been taken: -**

Authority to enter into the Deed of Variation and related documents comprising

- Deed of Amendment to PFI Project Agreement
- Contractor collateral warranty to Authority
- Architect Collateral Warranty to Authority
- C&S Engineer Collateral Warranty to Authority
- M&E Engineer Collateral Warranty to Authority
- Certificate issued pursuant to Local Government (Contracts) Act 1997
- Notices of assignment

- i. approving the terms of the variation documents to which it is party and consenting to the transactions contemplated by such documents;
- ii. authorising the Assistant Chief Executive Legal and Democratic or persons authorised by them to seal the variation documents to which the Authority is party, in each case in accordance with its Constitution.

**By whom:** *Stuart Carlton, Corporate Director – Children and Young People's Service*

**On: 11 February 2020**

*Was this an executive decision?*

YES

*If an executive decision, was it also a key decision?*

YES

**Reasons for decision: -**

The Corporate Director – Children and Young People’s Service has power to exercise all functions of the LEA and to enter into contracts to facilitate service delivery. (Scheme of Delegation 3.3 and 4.2 (a)).

The County Council’s Executive authorised the expansion of Barlby Community Primary School through reports on 24 May 2016 (Planning of School Places – Basic Need Programme 2015-2018 Appendix A) and 24 June 2018 (Planning of School Places – Basic Need Programme 2018-2021, Appendix B) including funding for the scheme and that expansion would be delivered by the Private Finance Initiative company that manage the school.

**Details of any alternative options considered and rejected: -**

None

**Conflicts of Interest**

Please record below details of any conflict of interest declared by a Member or Officer regarding the decision and any dispensation granted by the Standards Committee or Monitoring Officer in respect of that conflict.

Conflict	Dispensation?

**Background Papers**

Please attach to this decision notice, for publication, the background papers that disclose any facts or matters on which this decision, or an important part of the decision, was based and which were relied on to a material extent in making the decision, but this does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

Signed  
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Publication Date: 11 February 2020

Corporate Director – Children and Young People’s Service

Directorate: Children and Young People’s Service

**Note 1 regarding Executive decisions only:**  
*This decision will come into force, and may then be implemented, on the expiry of 5 clear working days after publication, unless any 6 members of the Council object to it and call it in by notice in writing (including e-mail) to The Assistant Chief Executive (Legal and Democratic Services).*

**Note 2: non-executive and non-key executive decisions by Officers are not subject to call in.**

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To: The Senior Legal and Democratic Technical Support Officer, Legal and Democratic Services - for onward circulation to:

All Members of the Council; All Management Board; All Management Board Secretaries; All Senior Managers; All Democratic Services Officers; All Corporate Development Officers; Senior Press Officer; Communications Officer