

## West Sussex County Council

### Urgent Action

The following decision has been taken under the urgent action procedure by the Director of Law and Assurance, in consultation with the relevant Cabinet Member and Committee Chairman.

<b>Decision Title &amp; Ref No:</b>	Transfer of Capital Funding for Bohunt, Horsham UA ES04(20/21)
<b>Officer responsible for Decision</b>	Tony Kershaw - Director of Law and Assurance
<b>Cabinet Member portfolio</b>	Cabinet Member for Education and Skills
<b>Decision published</b>	17 July 2020
<b>West Sussex Plan priority</b>	Best Start in Life
<b>Electoral Divisions</b>	St Leonard's Forest
<b>Key Decision</b>	Yes
<b>Purpose</b>	<p>In April 2017 the Department for Education approved a new Free School for the Horsham area under their Wave 12 Programme. The Sponsor is Bohunt Education Trust and the approved School is Bohunt Horsham. The co-educational all-through school which caters for children from the ages of four to sixteen opened in September 2019 on a temporary site in Hurst Road, Horsham.</p> <p>The School's permanent site will be on land on the East of Rusper Road, Horsham and was secured by the County Council through a Section 106 Agreement dated 1st March 2018 as part of the North of Horsham development. On its new site the school will provide places for the children from the North of Horsham development and will also offer school places for young people in the locality.</p> <p>Under the Section 106 Agreement, the developer is obligated to mitigate the impact of the development in terms of the increase in school places it will generate, and so the developer has agreed to pay financial contributions to the County Council. The financial contributions will be paid by the developer at agreed trigger points as the development progresses. As the Department for Education (DfE) will be responsible for delivering the new school, the County Council will need to transfer these financial contributions to the DfE upon receipt.</p> <p>This report also references the previous decision taken by the Cabinet Member for Finance and Resources (FR10(18/19) in relation to the purchase of land to facilitate the permanent site for Bohunt Horsham and the previous funding arrangements which include the reimbursement of 90% of the purchase price of the land upon the latter of either the date of the lease agreement</p>

	<p>or the date which falls sixty days after the Acquisition date of the land.</p> <p>This report sets out the case to transfer the Section 106 funds to the Department for Education as a contribution towards the School. Funds will only be transferred when the triggers agreed within the Section 106 have been reached and the funds received by the County Council. No further funds are to be transferred.</p>
<b>Decision</b>	<p>The Director of Law &amp; Assurance, in consultation with the Cabinet Member for Education and Skills and the Chairman of the Children and Young People's Services Scrutiny Committee, has used his delegated powers under Standing Order 3.45 for approval to be given for the following:-</p> <p>To the use of Section 106 Development Agreement funds received in relation to the North of Horsham development, for transfer to the Department for Education towards the permanent school site and accommodation for Bohunt, Horsham as detailed in the report and for officers to have authority to enter into such agreements as are required to give effect to the proposal.</p>
<b>Interest and nature of interest declared</b>	None
<b>Reason for urgency</b>	
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<b>Background Papers</b>	See report for details