

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

4158

Author:

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Department:

Children and Adults

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Subject:

Funding from Peacemills s106 agreement for Oakwood Academy and Seely Primary School

Total Value:

£112,378.10 (Type: Capital)

Decision Being Taken:

1. To allocate £15,000 from the section 106 contribution received from the development of the Peacemills site (planning reference 17/00487/PFUL3) towards the provision of enhanced education facilities at Oakwood Academy as detailed at paragraphs 3-5 of "Reasons for the Decision" (hereafter referred to as "the Reasons"); 2. To authorise the Director of Education to instruct Legal Services in relation to entering into any agreement which may be necessary to affect the allocation at Decision 1; 3. To allocate £97,263.95 from the s.106 contribution received from the Peacemills development towards the provision of enhanced education facilities at Seely Primary School, subject to approval pursuant to Decision 4; 4. To delegate power to the Director of Education to approve the specific project at Seely Primary school to be funded pursuant to Decision 3 in accordance with paragraphs 7-12 of the Reasons. Such power to include instructing Legal Services in relation to entering any agreement which may be necessary to effect such approval.

1. In August 2018, the Council received a section 106 education contribution of £115,736.03 from the agreement linked to the housing development of the former Peacemills site, Perry Road in Sherwood. Schedule 2 of the relevant section 106 agreement obliges the Council "to use the Education Contribution towards the provision of enhanced education facilities to accommodate pupils generated by the Development at the Seely Primary School and Oakwood Secondary School." After a top slice payment for monitoring and compliance was deducted in accordance with the section 106 agreement, the sum available for spending on education is £112,378.10.

2. This Decision seeks approval of the breakdown of the Peacemills education contribution between the named schools. It further seeks approval of a specific project to benefit from its share of the funding at one of the named schools (Oakwood Academy) and the establishment of a mechanism to determine which project at the other school (Seely Primary) should benefit from the remainder of the funding.

Oakwood Academy

3. Oakwood Academy (then Big Wood School) was extensively reconfigured as part of the Building Schools for the Future programme in 2008 and it is proposed that £15,000 be allocated directly to the school to support a project to create an additional learning space for Key Stage 4 students, to broaden progression opportunities in preparation for Post-16, specifically vocational study or training. The intention is to use this resource to provide broader support for students to continue their studies after Year 11. The new teaching space will specifically cater for supporting the pursuance of vocational courses, particularly for students who may not otherwise take this route of learning.

4. Works include the erection of a new partition wall to create separate existing classrooms into study areas plus new signage, necessary electrical works for power points for devices/equipment/PCs and associated finishing works.

5. As implementation of Decision 1 involves a transfer of monies by the Council to Oakwood Academy, a separate agreement will be required in relation to Oakwood Academy's use of the funds, to ensure that it meets the obligations of the section 106 agreement. Only after completion of that agreement would funds be released to Oakwood Academy. The terms of the Council's agreement with Oakwood will require evidence of works being carried out to be provided to the Council via site visits, the issue of plans and receipt of invoices for works completed.

Seely Primary School

6. Seely Primary School amalgamated from an infant and junior school to a primary school in 2013 and extensive works were undertaken to ensure the former infant and junior school functioned effectively. Since then there has been a growth in pupil numbers at Seely, including those generated by housing development such as that on the Peacemills site.

7. It is proposed that the section 106 funding of £97,263.95 be used to refurbish and upgrade the existing dining hall facility. The refurbished and upgraded dining room may operate as an additional space for breakout intervention small group teaching and for family learning activities. Seely Primary are investigating the sourcing of additional grant funding which could be combined with the available section 106 funding, to utilise the available monies to best advantage. One possibility being considered is the conversion of the dining hall to a teaching facility but other options for the dining hall will also be explored. This would enable the facility to be improved significantly in a way which reduces disruption to the school as much as possible due to building works being carried out as one project rather than split. Seely Primary's proposed approach is to employ a professional bid writer to source external funding.

8. Approval 'in principle' is needed at this stage for the allocation of the Peacemills section 106 monies to Seely to enable the school to engage a bid writer to submit applications for top up funding.

- 9. Desktop costing analysis has advised that it is possible to utilise the current available section 106 proposed funding of £97,263.95 for Seely in isolation by improving roofing, plumbing / heating systems and new lighting. This more limited application of Seely's proposed allocation of the section 106 funding may be considered in order 'to enhance education facilities' should the applications for top up funding not be successful, or in the event of other issues preventing the larger project being realised.**
- 10. A range of possibilities is contemplated for the specific application of the section 106 contribution of £97,263.95, which Decision 3 seeks to allocate to Seely Primary School. Decision 4 therefore proposes that the selection of the specific project should be delegated to the Director of Education. This decision is to be taken once the top up funding process has advanced and further details are available and outcomes are clear. Further details which will be required from Seely Primary before such approval is given, include (but are not limited to) the proposed works which are to be carried out using the section 106 funding and (where applicable) the source(s) of any top-up funding which has been applied for; the terms of such funding and the anticipated timescale of its receipt; required outcomes and liabilities as set out by the funder as well as any other attributable requirements which require a responsibility by the school by accepting the funding; details of the scope of the project and procurement route. It is recommended that the Director obtains legal advice on the proposed project prior to exercising the delegated power to approve it under Decision 4.**
- 11. In addition, if implementation under Decisions 3 and 4 were to involve a transfer of section 106 monies from the Council to Seely Primary School, this would necessitate a separate agreement to ensure that the Council's obligations to the developer under the section 106 agreement were met (see paragraph 6 in relation to Oakwood for the type of details which would need to be included in any such agreement). Only after completion of that agreement would funds be released to Seely Primary.**

Other Options Considered: A specific project at Seely Primary is not yet being determined, for the reasons stated in "the Reasons" as a top-up funding application process is being progressed to increase the available monies to utilise for the school's dining hall. Once the outcome of the top-up funding request is known, a nominated specific project will be considered by the Director of Education for its relevance and appropriateness for utilisation of part of the section 106 funding. The methodology of this sign off is laid out in the body of this report.
The obligation to invest this funding at Seely Primary and Nursery School and Oakwood Academy is already determined by the legal agreement between the Council and Waters Homes Limited (the developer/owner), which we are required to adhere to.

Background Papers: None

Published Works: None

Affected Wards: Bulwell Forest, Sherwood

Colleague / Councillor Interests: None

Consultations:
Date: 27/11/2020
Ward Councillors: Eunice Campbell-Clark, Cheryl Barnard
No objections raised.

Date: 20/10/2020
Area Committees: Basford, Berridge, Sherwood, Bestwood, Bulwell, Bulwell Forest
Consulted via email. Results:
Basford, Berridge, Sherwood - No responses received from Area Committee or community representatives
Bestwood, Bulwell and Bulwell Forest - No responses received from Area Committee. Community representative feedback "a very good use of the section 106 funding ;...do not see any issues with the proposal and how the funding has been divided between each of the schools and how they will use this funding to improve their buildings."

Crime and Disorder Implications: There are no crime and disorder implications associated with this decision.

Equality: Please login to the system to view the EIA document: EIA Seely Oakwood final.docx

Relates to Council Property Assets: Yes

Decision Type: Portfolio Holder

Subject to Call In: Yes

Call In Expiry date: 25/03/2021

Advice Sought: Legal, Finance, Equality and Diversity, Property

Legal Advice: Attached. Judith Irwin, Senior Solicitor 11 January 2021 Advice provided by Judith Irwin (Senior Solicitor) on 11/01/2021.
Advice documents: Legal comments.docx

Finance Advice: The sum of £115,736.03 was received on 3rd August 2018 in relation to the S106 agreement 17/00487/PFUL3 arising from the development at the former Peacemills Site, Perry Road. In accordance with the agreement, the sum of £3,357.93 was taken from the sum received to be applied towards administration and monitoring. The amount of £112,378.10 is therefore available to be spent at the two schools specified in the agreement: Seely Primary and Oakwood Academy.

Decision 1 seeks to commit the sum of £15,000 to Oakwood Academy and Decision 3 seeks to commit the sum of £97,263.95 to Seely Primary, and the Reasons outline the purposes to which the contributions will be committed. The Legal Advice appended to this DDM states that it is considered that the allocation to Oakwood Academy is compliant with the terms of the S106 agreement. The purposes to which the Seely allocation will be put are to be finalised, with authority sought within Decision 4 to delegate the final decision to the Director of Education, the Legal Advice recommending that further legal advice be taken at that stage.

In order to ensure that the Council's covenants in the S106 agreement are met, Decisions 2 and 4 outline the plan to enter into separate agreements with the schools, ahead of the transfer of the S106 monies. These agreements will require the schools to evidence to the Council that the monies have been spent in accordance with the agreed purposes. Advice provided by Sarah Baker (Commercial Business Partner - Projects) on 03/03/2021.

Equality and Diversity Advice: There is no impact to any of the protected characteristics. Happy to sign off. Advice provided by Rosie Donovan (Equality and Employability Consultant) on 20/01/2021.

Property Advice: The proposal for Section 106 contributions to be allocated to works to enhance school facilities in order support educational provision is consistent with the principles of the Council Corporate Asset Management Planning and thereby supported by Property.

Advice provided by Tanya Najuk (Head of Strategic Asset Management) on 20/01/2021.

Signatures

David Mellen (Leader/ PH Regeneration, Schools, Communications)
SIGNED and Dated: 17/03/2021
Catherine Underwood (Corporate Director for People)
SIGNED and Dated: 09/03/2021