

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

**Reference Number:**

4320

**Author:**

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**Department:**

Children and Adults

**Contact:**

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**Subject:**

To allocate S106 funding for the creation of an additional Key Stage Two learning space at Welbeck Primary School

**Total Value:**

£90,383 (Type: Capital)

**Decision Being Taken:**

1. To apply £90,383 of Section 106 education contribution from the residential development at the site of the former Hicking Pentecost and Company (Planning reference: 16/02688/PVAR3), to fund the creation of an additional Upper Key Stage Two learning space at Welbeck Primary School in the Meadows.
2. To authorise the Director of Education to instruct Legal Services in relation to entering into any agreement with Welbeck Primary School, which may be necessary to affect the allocation as specified in point 1 above, and to release the funds for this purpose.

**Reasons for the Decision(s)**

**1. An education contribution of £91,032 was paid to the Council on 2/12/19, in accordance with a S106 agreement linked to the residential development at the site of the former Hicking Pentecost and Company, land between Crocus Street, Summer Leys Lane and Eugene Street. The relevant S106 agreement obliges the Council to invest the funds towards the provision of new or enhanced education facilities to accommodate pupils generated by the development, within the Greenfields, Welbeck and / or Victoria Primary Schools in Nottingham City.**

**2. In accordance with the agreement, the sum of £649 was deducted towards the administration and monitoring of compliance with the agreement. The sum of money therefore available to apply to the Council's obligations is therefore £90,383.**

**3. Welbeck Primary is the catchment school of the new development which has yielded the S106 funds, the majority of additional pupils generated by the new development so far attend Welbeck Primary and future new pupils are most likely to attend Welbeck as their catchment school. Welbeck has been very tight for learning space, ever since they increased their pupil admission number back in 2012. At that time a new Foundation Unit was built to accommodate the additional pupil numbers, but with no additional main school space for learning, dining or assemblies. Welbeck is an outstanding school. Their aim is to maintain their excellent provision by offering an extra learning space for Upper Key Stage 2 children, as is available for other pupils in the school. Pupil numbers have grown in the area and Welbeck is at full capacity with a waiting list. It is also projected to be the most over-subscribed school in the Meadows. This funding will provide much needed additional learning space specifically for upper Key Stage 2 pupils, for intervention work groups, booster sessions and guided reading, with the objective of improving learning and attainment outcomes.**

**4. The scheme of work will commence as soon as possible once the funding allocation is approved for this purpose. Welbeck Primary have allocated a space which could house an additional learning room in a new wooden cabin-type standalone unit. This would deliver additional space for approximately 20 Key Stage 2 pupils, to undertake intervention work to support pupils to reach their full potential. The proposal is to provisionally allocate all of the funding to deliver this scheme, subject to more detailed quotes and feasibility works. An initial quote has been obtained by the school and further quotes are currently being sought.**

**5. The school will appoint a contractor to deliver this scheme. As implementation of the decision involves a transfer of monies by the Council to Welbeck Primary School, a separate agreement will be required in relation to Welbeck's use of the funds, to ensure that it meets the obligations of the S106 agreement. Only after completion of that agreement will funds be released to the school. The terms of the Council's agreement with Welbeck Primary School requires evidence of plans and quotes for the cost of the project and will require evidence of works carried out via site visits and receipt of invoices for works completed.**

**On  
the 14th July confirmation was received from the Portfolio Office  
that the Capital Board have approved this application**

**Other Options Considered:**

**The legal obligation of the S106 agreement determines that this funding must be invested at either Welbeck, Greenfields and / or Victoria Primary Schools. If this legal obligation is not adhered to, the Council risks clawback of the funds from the landowner who made the payment. Consultation with Greenfields and Victoria Primary Schools was also undertaken, to initially invite and consider proposals from all three schools. Welbeck Primary's proposal has been selected for the reasons stated in this report.**

**Background Papers:** None

**Published Works:** None

**Affected Wards:** Meadows

**Colleague / Councillor Interests:** None

**Consultations:**

<b>Date: 21/04/2021</b>
<b>Ward Councillors: Michael Edwards, Nicola Heaton, Pavlos Kotsonis</b>
<b>All in support or no response.</b>

<b>Date: 21/04/2021</b>
<b>Area Committees: Lenton and Wollaton East, Meadows, Wollaton West</b>
<b>Meadows Ward Councillors and Area Committee reps consulted by email. One Cllr response in support, as long as other Ward Cllrs have been informed, which they have. Also received questions from the Neighbourhood Development Officer, which were responded to and all parties were satisfied.</b>

<b>Date: 15/06/2021</b>
<b>Other City Council Bodies:NCC Capital Projects Board - TBC</b>
<b>&lt;span style="font-size:11.0pt;font-family:"Calibri",sans-serif; mso-fareast-font-family:Calibri;mso-fareast-theme-font:minor-latin;color:#1F497D; mso-ansi-language:EN-GB;mso-fareast-language:EN-US;mso-bidi-language:AR-SA"&gt;On the 14th July confirmation was received from the Portfolio Office that the Capital Board have approved this application</b>

**Those not consulted are not directly affected by the decision.**

**Crime and Disorder Implications:** N/A

**Equality:** Please login to the system to view the EIA document: Welbeck\_EIA-2021-form v2.docx

**Relates to Building Services:** Yes

<b>Decision Type:</b>	<b>Portfolio Holder</b>
<b>Subject to Call In:</b>	<b>Yes</b>
<b>Call In Expiry date:</b>	<b>10/08/2021</b>
<b>Advice Sought:</b>	<b>Legal, Finance, Equality and Diversity, Building Services</b>
<b>Legal Advice:</b>	<b>Please see attached legal advice document. Advice provided by Tamazin Wilson (Solicitor) on 10/05/2021.</b>
	<b>Advice documents: Legal Comments.docx</b>
<b>Finance Advice:</b>	<p><b>The S106 agreement 16/02688/PVAR3 (Site of former Hicking Pentecost and Company, south of Tinkers Leen, Crocus Street) secured a contribution of £84,448 for Education purposes. After indexation was applied, the sum of £91,032.82 was received on 2nd December 2019. As allowed by the terms of the agreement, the sum of £649.60 was deducted for administration and monitoring costs. The sum of £90,383.22 is therefore available.</b></p> <p><b>The agreement states that the contribution is to be used "towards the provision of new or enhanced education facilities to accommodate pupils generated by the Amended Development within the Greenfields, Welbeck and/or Victoria Primary Schools in Nottingham City." The proposed usage within this decision therefore meets with the spend conditions.</b></p> <p><b>The report outlines that the school will be contracting for these works, and that therefore a funding agreement will be drawn up, and that the Council will pay over the £90,383.22 to the school on legal completion of the agreement. The funding agreement will be drawn up so that the school must spend the sum on the specified works, and this will be monitored by the Council.</b></p> <p><b>Following approval of this decision paper and endorsement of the Capital Board, a capital project will be set up for the value of £90,383.22, with the S106 contribution committed to this project and used to fund the payment to the school.</b></p> <p><b>This project is required to undertake the capital prioritisation process and receive endorsement from the Capital Board prior to being added to the Capital Programme and funding being committed.</b></p> <p><b>Advice provided by Sarah Baker (Commercial Business Partner - Projects) on 13/05/2021 and Tom Straw (Senior Accountant - Capital Programmes) on 18/05/2021.</b></p>
<b>Equality and Diversity Advice:</b>	<b>A few minor comments have been sent to the author off line for further clarity. There are no impacts to any of the protected characteristics and therefore happy to sign off. Advice provided by Rosie Donovan (Equality and Employability Consultant) on 18/05/2021.</b>

**Building Services Advice:**

**We support this project however we would ask that plans are shared with the team so we can asses whether there are any statutory compliance concerns. Advice provided by Trevor Bone (Property Maintenance Manager) on 28/04/2021.**

**Signatures**

<b>David Mellen (Leader/ PH Strategic Regeneration Communications)</b>
<b>SIGNED and Dated: 03/08/2021</b>
<b>Catherine Underwood (Corporate Director for People)</b>
<b>SIGNED and Dated: 28/07/2021</b>