

Operational Decision Record

Publication Date 24/06/22	Decision Reference Number 4658
Decision Title To allocate: (i) £45,000 of the S106 Education Funding to Bluecoat Aspley Academy, to support sufficiency of secondary school places. (ii) To allocate £10,865 of the S106 Education Funding to contribute to funding the development of a Key Stage 2 SEND classroom at Whitemoor Primary Academy.	
Decision Value £55,865 The Council is in receipt of the S106 Education Funding. The balance of the total project cost at Bluecoat Aspley Academy (approx. up to £10k) is being funded by Archway Learning Trust capital funds. The balance of the total project cost at Whitemoor Primary Academy will be funded by Disability Access Grant (DAG) or SEND capital funding. The project scope is being developed and the total cost to be confirmed following assessment by NCC Major Programmes. DAG overall programme funding approval is planned for June 2022 Capital Board.	
Revenue or Capital Spend? Capital	
Department Education	
Contact Officer (Name, job title, and contact details) Lucy Juby, Project Manager, lucy.juby@nottinghamcity.gov.uk	
Decision Taken To allocate: (i) £45,000 of the S106 Education Funding to Bluecoat Aspley Academy, to support the provision of additional secondary school places, by developing the	

- (ii) catering and dining facilities: creating two outdoor dining pods and a covered canopy to accommodate all students being fed during lunch and break service. To allocate £10,865 of the S106 Education Funding to contribute to funding the development of a Key Stage 2 SEND classroom at Whitemoor Primary Academy.

Reasons for Decision and Background Information

The section 106 agreement dated 29 March 2016 linked to the Ascot Works, Ascot Road development (planning ref 15/01928/PFUL3) between the Council (1), Pentland Brands Lakeside Plc (2) and Westleigh Partnerships Limited (3) ('the S106 Agreement'), included an obligation on the owner to pay an education contribution of £55,346 index linked to the Council.

The Council received £57,593 on 27th June 2017 pursuant to the S106 Agreement and after applying £1,727.79 of this amount towards the administration and monitoring of compliance with the S106 Agreement, has funding of £55,865 available ('the S106 Education Funding').

The funding proposals (outlined below) comply with the obligation in the S106 Agreement to use the S106 Education Funding "towards the provision of new or enhanced primary education facilities at Robert Shaw or Whitemoor Primary AND secondary education facilities at Bluecoat Academy, Aspley Lane."

The specified S106 funding must be spent or committed by 27th June 2022, which is within five years of receipt and in line with the obligations of the S106 Agreement, or the housing developer can request that the funding be reimbursed.

(i) Project at Bluecoat Aspley Academy (previously known as 'Bluecoat Academy, Aspley Lane')

Addition of two outdoor dining pods and a covered canopy to accommodate all students being fed during lunch and break service.

The dining hall accommodates 180 pupils per sitting, and the school currently have to operate split lunches to accommodate the increase in pupil numbers, which is creating a challenging impact across the site.

With this improvement to dining facility options, all pupils will now benefit from being able to access more eating options across the site. This will also allow the school to consider moving to a single lunch sitting and therefore reduce disruption to lessons during the day.

The project will support Bluecoat Aspley Academy's increased pupil growth and will enable the school to admit additional pupils over their normal PAN (Pupil Admission Number) this September 2022. This additional capacity has been negotiated with the Council's Education Department, to support our statutory duty to deliver sufficient secondary school places. There continues to be significant growth in demand for places in most areas of the city and Bluecoat Aspley Academy are full, they are admitting pupils in excess of their PAN and are significantly oversubscribed. They need to ensure the facilities are suitable to support the growth in pupil numbers.

The school will appoint a contractor to deliver the scheme. Where implementation of the decision involves a transfer of monies by the Council to the relevant school (as is the case here) a separate agreement will be required between the Council and the School, to

ensure that the S106 Education Funding is used for the purposes specified in the S106 Agreement.

The investment supports the delivery of the Council's statutory responsibility to provide sufficient school places for Nottingham City pupils. It also supports the Council Plan objective to guarantee a choice of places at a local primary and secondary school for every Nottingham child.

Intended completion date of the works is August 2022.

(ii) Project at Whitemoor Primary Academy (Previously 'Whitemoor Primary School')

Development of a classroom, sensory space and disabled WC to accommodate a number of children with complex SEND moving from Key Stage 1 to Key Stage 2 within the school. This will involve development of a standalone provision of modular construction. It will ensure that there is suitable provision as the young people progress through the school.

The S106 funding will be a contribution to these works, which are currently being assessed and costed.

Whitemoor Academy is an inclusive primary school with a positive approach to including pupils with complex SEND in all aspects of school life. However, the school building is old and of difficult design but school staff have worked with these challenges to ensure that children and young people with SEND have a good educational experience.

Due to the number of catchment children with complex SEND, staff at Whitemoor developed a specialist SEND space in Key Stage 1 to enable them to meet the needs of this group of children. A number of these children will be moving to Key Stage 2 in September 2022 and will need to be able to access provision in the Key Stage 2 area of the school.

Additionally, the school are seeing high numbers of young people with complex needs in the Foundation Stage who will soon require access to the Key Stage 1 provision. The current provision in Key Stage 1 is too small to accommodate this wider cohort of children with SEND.

Legal advice has confirmed that the projects detailed at (i) and (ii) above appear to meet the requirements of the S106 Agreement to use the S106 Education Funding "towards the provision of new or enhanced primary education facilities at Robert Shaw or Whitemoor Primary AND secondary education facilities at Bluecoat Academy, Aspley Lane", and no potential liability to repay the S106 Education Funding has arisen at the date of writing this advice. It is noted that if the S106 Education Funding is not spent or allocated for expenditure by 27 June 2022 a request for repayment could be received in accordance with provisions of the S106 Agreement.

Advice received from Sarah Baker, Finance Business Partner, 30th March 2022.

Advice also received from Tamazin Wilson, Senior Solicitor, 9th May 2022.

Both proposals were approved at the Council's Capital Board on 17th May 2022.

Other Options Considered and why these were rejected

None. The conditions of this S106 Education Funding specify that it must be spent “towards the provision of new or enhanced primary education facilities at Robert Shaw or Whitemoor Primary AND secondary education facilities at Bluecoat Academy, Aspley Lane.”

Additional capacity in this area of the city is necessary to accommodate secondary pupils for the coming Admission year in Sept 2022. To enable the school to admit additional pupils over their normal admission number and to deliver an effective curriculum, Bluecoat Aspley Academy need to ensure facilities support the growth in pupil numbers.

At Whitemoor Primary, pupils with SEND have a range of complex needs. They have a number of children in Foundation who will move to the existing KS1 provision and the current KS1 children will move to the newly adapted base in KS2, to allow the room for this to happen.

Reasons why this decision is classified as operational

Has a value below £150,000 and is taken within agreed policies and budgets.

Additional Information

You should consider:

- obtaining and recording advice if necessary from legal, finance or other colleagues
- informing relevant ward councillors if a decision particularly affects their ward
- whether an EIA, DPIA, Carbon Impact assessment or consultation exercise is required for this decision
- for capital spend, confirmation that the decision has been through the appropriate capital approval processes
- referring to any related previous decisions
- risks of the decision and any mitigation of those risks
- if the decision is approving capital spend, please include confirmation that the Chief Finance Officer has agreed to it.

Decision Maker (Name and Job Title)

Catherine Underwood, Corporate Director for People



Scheme of Delegation Reference Number
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Date Decision Taken

13/6/2022
