

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:

5098

Author:

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Department:

People

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Subject:

Funding for temporary classrooms and design works to expand Bluecoat Wollaton Academy by 300 secondary school places (60 per year group)

Total Value:

£442,022 (Type: Capital)

Decision Being Taken:

1. To approve £200,000 of Basic Need Grant for design works and developing robust costs, for the proposal to expand Bluecoat Wollaton Academy by 300 places / 60 per year group.2. To approve Education S106 funding of £242,022 to be allocated to fund the cost of temporary classrooms for a two year period September 2024-26.3. To authorise the procurement of any necessary contracts to carry out the works and to delegate authority to the Corporate Director for People to award any procured contracts, complying with the Council Constitution and the Public Contract Regulations.4. To procure external legal advice through the EM Lawshare framework to support the project with both the build contract and the necessary agreements to allow the City Council to undertake works on an academy site and to delegate approval to either the Director of Legal and Governance or the Head of Legal.5. To note that all spend associated with the decisions above has been approved by the Section 151 Officer through the Spend Control process (Decision reference 4739)

**Reasons for the Decision(s)**

**Local Authorities (LAs) have a duty to ensure a sufficiency of school places under section 14 of the Education Act 1996. The Basic Need capital grant LAs receive from Government is intended to fund the expansion of physical capacity to create additional places. Since 2017 the LA has delivered capital investment in secondary schools to meet the significant growth in demand. Working in collaboration with trusts and academy schools, this has been delivered through a variety of measures, including permanent expansions, increased Pupil Admission Numbers (PANs) and temporary increases. Additionally, the new 1200 place Bluecoat Trent Academy opened on a temporary site in September 2021 and it will move to the new build on the permanent site this September 2024.**

**Despite this increase in provision, more secondary capacity is still required to meet the needs of the City's population. Significant place pressure is currently set to continue up to 2028/29. While we anticipated the increase in demand, the actual pupil numbers have been even higher due to increased inward migration to the city, which has added to the pressure across all year groups. All secondary schools within Nottingham City are academies and Councils are unable to direct academies to expand. However, a key priority is working in collaboration and partnership with all providers to deliver the required capacity, in a way that meets our collective educational priorities. The north, central and west areas are the most challenging in terms of the need for places. The LA has engaged all trusts and secondary academies across the city to consider the best options in order to meet our collective sufficiency and pupil place planning duties.**

**The LA is working collaboratively with Bluecoat Wollaton Academy and the Archway Learning Trust, to progress a 300 place expansion (60 extra places per year group), subject to consultation and approvals. This would be funded by Basic Need Grant which the LA has received from Government for this purpose. LAs are required to support the expansion of schools which are Ofsted rated 'Good' or above. Bluecoat Wollaton Academy delivers excellent educational outcomes, with an Ofsted rated outstanding provision. They are significantly oversubscribed for applications (one of the highest in the city) and they draw pupils from a wide geographical area, in particular the west and central areas where the place pressure is high. Bluecoat Wollaton Academy is both distinctively Christian and inclusive in terms of its admissions criteria. It is clear about its ethos whilst also welcoming children of other faiths or no faiths from across the city. It also promotes an inclusive ethos for pupils with Special Educational Needs and disabilities. Pupils with SEND make strong progress and are exceptionally well supported.**

The school can accommodate additional pupils from this September 2024 in temporary classrooms, while a permanent expansion is simultaneously progressed. This will accommodate an extra 60 Year 7 pupils, which is needed to ensure that every child secures a school

place, and to promote parental preference in quality and diverse provision. For the permanent expansion, it has been identified that there is a need to provide a new sports hall and additional classrooms and Science labs.

This proposal aligns

with the LA's school place planning priorities and will deliver additional capacity in an outstanding provision, which is accessible for pupils in areas of need, also reducing the resultant

requirement for longer distance transport provision. The proposal to permanently expand the school is subject to a four week statutory consultation process, as set

out in the Department for Education (DfE) guidance: "Making significant changes to an open academy." The academy trust must also submit a significant change application for approval by the DfE, once consultation is complete. The expansion would also be subject to full planning permission. There are two S106

contributions that could be used towards the revenue aspect of this project. Advice from Legal Services is

that as the temporary classrooms are an essential part of carrying out the capital works, the provision of additional school places for September 2024 cannot be achieved without them.

Therefore, this application of funding meets the conditions set out in the S106 agreements. The two sums are: 20/00264/PFUL3 -

Former Melbury School Playing Fields.

£143,844.82 received 14/11/2022 with no date as to when it is to be committed. The allowable admin &

monitoring fee was deducted, £4,315.34, leaving £139,529.48 to be committed.

The spend condition is "To use the Education Contribution towards the provision of Secondary School places within the City of Nottingham to

accommodate pupils generated by the Development". 21/02493/PFUL3 -

Land adjacent to Gateway House, Beechdale Road.

£105,449.94 received 06/12/2023 to be committed by 06/12/2033. The allowable admin & monitoring fee was deducted, £2,957.19, leaving £102,492.75 to be committed. The spend condition is "To use the

Education Contribution towards the provision of new and/or enhanced secondary school education facilities and/or places within Nottingham City to accommodate secondary school pupils generated by the Development".

**The total available**

**S106 funding for this purpose is therefore £242,022.23. This proposal has received S151 Officer approval for the initial funding of up to £450,000 (ID 4739, dated 22/1/24).**

**Other Options Considered:**

Expansion of an alternative school, The Nottingham Emmanuel School (NES) has also been considered. This is a popular and oversubscribed school delivering good outcomes for pupils. However, the need for additional places is currently less significant in the East and South East of the city, where NES is located. A physical expansion of this school is not currently being progressed, although the academy is supporting the LAs place planning priorities by accommodating an increase to Year 7 admissions in September 2024 by an extra 15 places.

**Background Papers:**

**Published Works:**

**Affected Wards:**

Lenton and Wollaton East, Wollaton West

**Colleague / Councillor Interests:**

**Consultations:**

Date: 22/02/2024  
Ward Councillors: Steve Battlemuch, Zafran Khan, Pavlos Kotsonis, Samina Riaz, Imran Jalil, Saj Ahmad  
Briefing proposal shared for comments and feedback.

Those not consulted are not directly affected by the decision.

**Crime and Disorder Implications:**

None

**Equality:**

Please login to the system to view the EIA document: EIA - Bluecoat Woll Expansion v0.3.docx

**Relates to Council Property Assets:**

Yes

**Decision Type:**

Portfolio Holder

**Subject to Call In:**

Yes

**Call In Expiry date:**

**07/03/2024**

**Advice Sought:**

**Legal, Finance, Procurement, Equality and Diversity, Property**

**Legal Advice:**

**Legal comments are attached as an appendix  
Advice provided by Anthony Heath (Senior Solicitor - Contracts and Commercial) on 26/02/2024.  
Advice documents: Legal Comments - Bluecoat Wollaton Academy.doc**

The costs within this decision are to be funded as detailed below:

- 1) £0.200m Capital expenditure within this decision is to be funded from secured Basic Needs grant, and
- 2) £0.242m Revenue expenditure is to be funded from the identified S106, this is due to the cost of the temporary classroom not meeting the CIPFA definition of capital expenditure. But after consultation with colleagues in Legal Services this expenditure is deemed to meet the S106 criteria.

This decision has been formally approved by capital board, following formal approval both the Basic Needs Grant and the S106 will be committed.

Advice provided by Tom Straw, Senior Accountant (Capital Programmes) - 15 January 2024

#### Revenue / S106 Comments

There are two S106 contributions that could be used towards the revenue aspect of this project. Advice from Legal Services suggests that as the temporary classrooms are an essential part of carrying out the capital works, the provision of additional school places for September 2024 cannot be achieved without them. Therefore, this application of funding meets the conditions set out in the S106 agreements. The two sums are:

20/00264/PFUL3 - Former Melbury School Playing Fields. £143,844.82 received 14/11/2022 with no date as to when it is to be committed. The allowable admin & monitoring fee was deducted, £4,315.34, leaving £139,529.48 to be committed. The spend condition is "To use the Education Contribution towards the provision of Secondary School places within the City of Nottingham to accommodate pupils generated by the Development".

21/02493/PFUL3 - Land adjacent to Gateway House, Beechdale Road. £105,449.94 received 06/12/2023 to be committed by 06/12/2033. The allowable admin & monitoring fee was deducted, £2,957.19, leaving £102,492.75 to be committed. The spend condition is "To use the Education Contribution towards the provision of new and/or enhanced secondary school education facilities and/or places within Nottingham City to accommodate secondary school pupils generated by the Development".

The total available is therefore £242,022.23. This is short of the £250,000 sum identified, but as pointed out above, will either be contained within contingency, or further funding identified.

Advice provided by Sarah Baker, Senior Commercial Business Partner - 16 January 2024

**Procurement Advice:**

The procurement strategy for the works element has yet to be developed. The procurement team will work with the client to carry out a full procurement option appraisal to identify the best options for the Council. Once known the Procurement team will work with the client to procure all necessary requirements in order to deliver the scheme.

EM Lawshare provides a compliant route to engage legal services and will be supported by legal services.

Advice provided by Sue Oliver - Procurement Category Manager - Places 18/01/2024

**Equality and Diversity Advice:**

The EIA has been reviewed. There are no impacts to any the protected characteristics and therefore happy to sign off. Advice provided by Rosey Donovan (Equality and Employability Consultant) on 26/02/2024.

**Property Advice:**

The Archway Learning Trust hold a 125-year lease for the Bluecoat Wollaton Academy site. It has full repairing and insuring terms on the lessee, and consideration will need to be given, in conjunction with colleagues from the Legal Services Conveyancing team to ensure that there are no issues with any part of this lease as a result of the council undertaking the recommended decision.

It is crucial that it is understood by all parties, and reflected in relevant agreements that the control, repair and maintenance of these new buildings are passed to the Academy Trust at practical completion, or on a clearly defined timetable thereafter (taking in to account warranty periods etc). It is the intent of the council that the new buildings should be included and treated in line with the site and buildings as were in place at the time of signing the lease.

Advice provided by Deborah Millar - Strategic Assets Business Partner 26.02.24

**Signatures**

**Cheryl Barnard (PH - Children, Young People & Education)**

**SIGNED and Dated: 29/02/2024**

**Catherine Underwood (Corporate Director for People)**

**SIGNED and Dated: 29/02/2024**