

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:

5128

Author:

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Department:

People

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Subject:

Installation of Temporary Accommodation - Bluecoat Wollaton Academy

Total Value:

£442,978 (Type: Revenue)

Decision Being Taken:

1. To approve the use of funding from Archway Learning Trust of £80,000 to be allocated towards the cost of temporary classrooms for a two-year period September 2024-26.
2. To note the approval of the Section 151 Officer (ID:2637) and to approve Education section 106 funding of £362,978 to be allocated towards the cost of temporary classrooms for a two-year period September 2024-26.
3. To authorise the procurement of necessary contracts to carry out the temporary accommodation works and to delegate authority to the Corporate Director for People to award any procured contracts, complying with the Councils constitution and the Public Contract Regulations to install the temporary accommodation, currently estimated to cost £685,000.
4. To note that £242,022 of section 106 money has already been approved (DDM 5098 signed 29th Feb 2024) to fund the temporary accommodation and will be used alongside the above monies to fund the temporary accommodation.

Temporary accommodation is required at Bluecoat Wollaton Academy over a two year period from September 2024 to September 2026 to address capacity pressures in the City.

Bluecoat Wollaton Academy will accommodate additional pupils from September 2024 in temporary mobile classrooms to secure the education facilities to meet the growth in pupil numbers. The additional capacity from this September 2024 will accommodate an extra 60 x Year 7 pupils, which is needed to meet the LA's statutory school place sufficiency duty, to avoid pupils being without a school place, and to promote parental preference in quality and diverse provision.

This expansion proposal aligns with the LA's school place planning priorities and will deliver high quality additional capacity which is accessible for pupils in areas of need, and therefore reducing the resultant requirement for longer distance transport provision for pupils living further afield.

Local Authorities have a duty to ensure a sufficiency of places under section 14 of the Education Act 1996. 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 1,200 place Bluecoat Trent Academy opened on a temporary site in September 2021 and it will move to the new build on the permanent site in September 2024. There is still, however, challenges with capacity to meet the needs of the City's population and significant place pressure is currently set to continue up to 2029. While we have anticipated this 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.

Councils have no powers to direct academies to expand. All secondary schools within Nottingham City are academies which can be a constraint when deciding on the location and types of accommodation to be provided. A key priority is working in partnership with all providers to deliver the required capacity that best meets our educational priorities.

The North, Central and West areas are the most challenging in terms of capacity shortfall. We have engaged all trusts and secondary academies across the city to reiterate the pressures and urge that they work with us to meet our statutory sufficiency duty and to avoid children being without a place.

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 recommendation is to part fund this scheme with a further S106 contribution. Advice from Legal Services is that as the temporary classrooms are an essential part of delivering the permanent scheme, and the provision of additional school places for September 2024 cannot be achieved without them.

This application of funding meets the conditions set out in the S106 agreement for the development at the Former Padstow Secondary School south of Eastglade Road, planning application: 21/02506/PFUL3. £1,922,392.85 was received on 20/09/2022 with no date as to when it is to be committed by. The allowable admin & monitoring fee was deducted, £5,249.44, leaving the final sum to be committed of £1,917,143.41.

**This proposal seeks to approve £362,978 of the specified S106 funding to be allocated towards the cost of temporary classrooms, leaving a remaining balance of £1,554,165.41 still to be allocated to alternative projects.**

**The spend condition is "to be used towards the provision of new and/or enhanced primary and secondary education facilities within the City of Nottingham to accommodate pupils generated by the Development." Although Bluecoat Wollaton Academy is located some distance away from the development in a different area of the city, it attracts pupils from a wide geographical area across all areas of the city, including the north of the city where this new development is located and where the demand for secondary places is extremely high.**

**Briefing notes documents:** N/A

**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, although there are still capacity pressures in this area and the need for additional places is currently less significant in the East and South East of the city where NES is located. Bluecoat Wollaton Academy draws pupils from a much wider area of the city where the need is high. If the additional places were to be provided at NES it is likely that it would increase the requirement for the Council to make statutory home to school travel payments due to the additional distance pupils would be required to travel to take up a place, creating an additional revenue pressure for the Council. A physical expansion of NES 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.

**Do Nothing:** If the contract is not placed to procure temporary accommodation, there will be no physical space at Bluecoat Wollaton Academy to accommodate the 60 x extra pupils from September 2024 and the Council would be in breach of its statutory duty to provide an education being unable to place the children elsewhere.

**Background Papers:**

**Unpublished background papers:** N/A

**Published Works:** Delegated Decision 5098 - Funding for temporary classrooms and design works to expand Bluecoat Wollaton Academy by 300 secondary school places (60 per year group)

**Affected Wards:** Wollaton West

**Colleague / Councillor Interests:** None.

**Consultations:** Date: 29/02/2024  
Ward Councillors: Steve Battlemuch, Zafran Khan, Pavlos Kotsonis, Samina Riaz, Imran Jalil, Saj Ahmad

**Councillors were informed of the wider scheme proposal including the upcoming temporary accomodation and fed back information on local highways and access challenges which are being considered within the project.**

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

**Crime and Disorder Implications:**

**None**

**Equality:**

**EIA - Bluecoat Woll Expansion v0.3.pdf**

**Social Value Considerations:**

**Delivering Social Value, benefits to the surrounding community and local economy is a key success criteria of the wider project delivery in regards to the procurement of the contractor, Lindum Group.**

**Relates to Council Property Assets:**

**Yes**

**Decision Type:**

**Executive Member**

**Subject to Call In:**

**No**

**The call-in procedure does not apply to the proposed decision because the delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The Chair of the Corporate Scrutiny Committee has been consulted and agreed that the decision should be treated as a matter of urgency.**

**Person consulted: Cllr Samuel Gardiner**

**Consultation date: 07/06/24**

**In order to be fitted in time, the order would need to be sent to the supplier earlier than would be possible if the decision was subject to call-in. Cllr Gardiner confirmed he is happy to approve this Exemption as long as lessons are learned from this going forwards.**

**Advice Sought:**

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

**Commissioner Comments:**

**Commissioners note the progress of the installation of the provision of temporary accommodation. The costs from the original quote have more than doubled so the implementation of the lessons learnt activity is important.**

**Legal Advice:**

**This report seeks approval to use funding from Archway Learning Trust of £80,000 as described and to authorise the procurement of any necessary contracts to carry out the temporary accommodation 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.**

**The proposed use of the £80,000 from the Archway Learning Trust must be in accordance with any stipulations by the Trust. It is recommended that evidence of compliance with any such stipulations is secured.**

**The proposed route to market is complaint. In respect of the contractual work required, Legal Services is still unable to offer expertise in construction-related matters meaning external legal support will be required before relevant contracts are executed. Legal Services are willing to support the clients in identifying and using external legal advisers to support the project.**

**The proposed use of funding for temporary accommodation appears to support the Council meeting its duty under section 14 of the Education Act 1996.**

**Advice provided by Anthony Heath (Senior Solicitor) on 14/05/2024.**

**As stated above, this report is in addition to the previous DDM 5098 signed 29th Feb 2024 (attached). It is noted that additional S106 funding in the sum of £362,978 is required and it is proposed that this will be taken from the Education Contribution received pursuant to the S106 agreement in respect of Land at the site of the former Padstow Secondary School south of Eastglade Road, planning reference 21/02506/PFUL3 ('the Padstow School S106'). The Padstow School S106 agreement requires the Council "to use the Education Contribution towards the provision of new and /or enhanced primary and secondary school places within the City of Nottingham to accommodate pupils generated by the Development."**

**As stated above, the Education Contribution pursuant to the Padstow School S106 agreement (£1,922,392.85), was received on 20/09/2022. £5,249.44 in respect of the admin & monitoring fee was deducted from the Education Contribution, leaving £1,917,143.41 available for allocation.**

**No alternative agreement(s) in relation to the spending of the Education Contribution which the Council has received pursuant to the Padstow School S106 agreement have been brought to my attention and therefore the whole of the amount set out in the report above would appear to currently be available for allocation. As stated above, the Padstow School S106 agreement does not include any requirement for the Education Contribution to be spent or committed for expenditure within a specified timeframe.**

**Bluecoat Wollaton Academy is a secondary school which I understand serves pupils from a broad area across the city and this would attract pupils from the North of the City such as those from Padstow School development area. It is also noted that it is proposed that the S106 funding could be used towards temporary classrooms, which will enable the permanent work to take place that will deliver the extra secondary school places to be provided as required by the Council's obligations in respect to the Education Contribution received pursuant to the Padstow School S106 agreement. The Padstow S106 agreement confirms that "the application or use of a financial contribution (or part thereof) by the Council towards a purpose pursuant to its obligations in the Second Schedule may include the payment of any fees charges and expenses connected to that purpose". The spending proposals in relation to £362,978 of the Education Contribution received pursuant to the Padstow School S106 agreement as set out in this report would therefore appear to fall within the Council's obligations on the use of that contribution.**

**Advice provided by Tamazin Wilson (Senior Solicitor, Planning and Environment), on 15/05/2024**

**Finance Advice:**

Temporary accommodation is required at Bluecoat Wollaton Academy over a two year period Sept 2024-26, while building works are completed to expand the school by two forms of entry.

Local Authorities have a duty to ensure sufficiency of school places under section 14 of the Education Act 1996. An extra 60 x school places are required by September 2024 at Bluecoat Wollaton Academy which the temporary accommodation is being procured to deliver.

Funding for the temporary accommodation is to be used from the Education S106 funding totalling £242,022 (already approved), contribution from Archway Learning Trust (total £80,000) and additional section 106 funding £362,978 as requested above. Please note, should the capital expansion not proceed, which is considered to be low risk the S106 funding will have to be aborted and the temporary classrooms declared as a revenue pressure to the council's general fund.

The S106 funding will only be made available after the actual spend at year end over the course of 2 years. The contribution from Archway Learning Trust £80,000 has been agreed and the timeline to receive is before the end of the project.

The project proposed spend is £636,953.92 over 2 years which is less than available funding by £48,046.08. This difference will be the project contingency budget for unexpected increase in spend. Budget monitoring will ensure we are reporting on spend and funding in line with the agreed estimate above.

Abi Yusuff, Commercial Business Partner, 1st May 2024

**S106 Finance Comments:**

This report requests that an additional sum of S106 funding be committed to this project. The sum of (£1,922,392.85) was received on 20/09/2022 in relation to the agreement 21/02506/PFUL3 Padstow School. £5,249.44 in respect of the admin & monitoring fee was deducted from the Education Contribution, leaving £1,917,143.41 available for allocation. It is proposed to direct £362,977.77 of this sum to this project. Following approval of this decision this revenue projects budget will be £685,000 funded as follows:

- 1) S106 Grant (20/00264) £139,529.48 [DD5098]
- 2) S106 Grant (21/02493) £102,492.75 [DD5098]
- 3) S106 Grant (21/02506) £362,977.77 [this decision]
- 4) Archway Learning Trust Grant £80,000 [this decision]

Advice provided by Tom Straw (Senior Accountant - Capital Programmes) & Sarah Baker (Senior Commercial Business Partner) on 09/05/2024.

**Procurement Advice:**

There are no procurement concerns with the decision being taken. Temporary classrooms are to be installed by a contractor under the Scape Regional Framework using a Short Delivery Agreement in advance of the main works being carried out by the same contractor. Advice provided by Jonathan Whitmarsh (Lead Procurement Officer) on 09/05/2024.

**Equality and Diversity Advice:**

The EIA has been reviewed. This proposal has a positive impact on people from different ethnic groups, people of different faiths/beliefs and those with none, Younger people and vulnerable children. There are no impacts to any of the remaining protected characteristics and I am therefore happy to sign off. Advice provided by Rosey Donovan (Equality and Employability Consultant) on 30/04/2024.

**Property Advice:**

The comments provided by Property in Delegated Decision 5098 have been reviewed and remain valid for this decision also. Namely:

"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."

It is understood that a further report will be submitted to Executive Board in due course for the permanent replacement of these temporary buildings, and Property will need be included in that report also, in order to fully consider the council's position as landlord and ensure that the school's lease has been correctly applied. Advice provided by John West (Property Business Partner) on 15/05/2024.

**Signatures**

<b>Cheryl Barnard (Exec Member - Children, Young People, Education)</b>
<b>SIGNED and Dated: 06/06/2024</b>
<b>Catherine Underwood (Corporate Director for People)</b>
<b>SIGNED and Dated: 06/06/2024</b>