

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**28 July 2015**

**Report of the Strategic Director for Children & Younger Adults**

**PRIORITY SCHOOL BUILDING PROGRAMME – ALFRETON GRANGE –  
CHILDREN AND YOUNG PEOPLE**

**1. Purpose of Report**

To seek Cabinet approval to enter into a landowner agreement with the Department for Education with respect to a project for a new school at Alfreton Grange and to agree the provision of a boundary fence between Alfreton Grange Arts College and Woodbridge Junior school.

**2. Information and Analysis**

On 22 October 2013, Cabinet received a report concerning the Priority School Building Programme (PSBP) project at Alfreton Grange. The PSBP will invest in a number of schools across the country. The projects are being managed and delivered by the Department for Education (DfE). Alfreton Grange is one of eight schools across the Midlands that are being delivered under a single batched procurement. The DfE has informed the Authority that it is intending to reach Financial Close on this contract on 5 August 2015.

At its October 2013 meeting, Cabinet approved the agreement of a Memorandum of Understanding (MOU) with the DfE. The MOU was intended to ensure that there was a full understanding of what the project entailed before the procurement process started. It included recognition by the Authority that it would be required to enter into a Landowner Agreement.

A landowner agreement is required because the DfE will be appointing a contractor to deliver the new school on the Alfreton Grange site that is owned by the Authority. The Agreement gives the DfE approval to carry out the works on the Authority's land. The DfE has now produced a draft

agreement. Approval is requested for the Director of Legal Services to enter into the agreement.

The October 2013 Cabinet meeting also agreed to retain the remains of an allocation to Alfreton Grange for improvements to be used for items that would not be provided by the PSBP such as any off-site works, ICT and furniture. The funding could also be used for any works required at the site prior to the completion of the new building, subject to Cabinet Member approval. A Cabinet Member meeting on 4 March 2014 allocated £33,275 of these funds to provide an initial IT improvement at the school that would transfer to the new building when complete.

Alfreton Grange shares its site with Woodbridge Junior School. There is currently no fence between the two schools. This is not acceptable from a safeguarding point of view. Both schools accept that a fence needs to be provided. The DfE (Education Funding Agency) has informed the Authority that the scope of its PSBP project does not include fencing. The cost of providing the required fence is £12,500. Cabinet is asked to approve that this fencing be provided from unallocated funds for Alfreton Grange that it has already been agreed will be used for required works that are not included within the PSBP project.

### **3. Financial Considerations**

Approved funding available for Alfreton Grange comprise the following:

2011/12 Capital Maintenance: remodelling	£1,400,000
2011/12 Capital maintenance: recladding	£165,000
Total	£1,565,000

Expenditure to date (mainly essential maintenance)	£230,187
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Unallocated	£1,334,863
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Fencing between Alfreton Grange and Woodbridge Junior School	£12,500
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Balance	£1,322,363
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### **4. Legal Considerations**

The landowner agreement is an agreement between the Secretary of State for Education and the County Council as the freehold owner of the land on which the new school is to be built. Under the Priority School Programme the Secretary of State will enter into a PF2 project agreement

with the contractor in relation to the development of the site. As the Secretary of State will grant access rights to the site to the contractor for the full period of the project agreement, the employer/landowner will need to grant access rights to the contractor as well as agree to certain other obligations in order to allow the Secretary of State to fulfil its obligations to the contractor under the project agreement.

The Director of Legal Services will provide advice in connection with the agreement and sign the agreement on behalf of the Council.

## **5. Other Considerations**

In preparing this report the relevance of the following factors has been considered:- prevention of crime & disorder, equality of opportunity, environmental, health, human rights, human resources, property and transport considerations.

## **6. Key Decision      No**

## **7. Call In**

Is it necessary for the call-in period to be waived in respect of the decisions being proposed in the report? Yes

The Council has recently been informed by the DfE that they are nearing financial close for the Midlands PSPB, which is on target for 5 August 2015. The DfE will need the Council to have signed the landowner agreement in advance of that date.

In order to achieve this it has been necessary to request that Cllr Diane Charles, Chair of the Improvement and Scrutiny Committee – People, considers the proposed waiving of call-in in respect of this report. Councillor Charles has agreed that both the decision proposed is reasonable and that it be treated as a matter of urgency in order to ensure that the landowner agreement is in place before 5 August 2015.

## **8. Background Papers**

These are held on file in the CAYA Development Section

## **9. Officer Recommendation**

**9.1.** That the Director of Legal Services be Authorised to enter into a landowner agreement with the Department for Education to permit the construction of the replacement school for Alfreton Grange

- 9.2.** That £12,500 be allocated from the unallocated funds, as set out in section 3 above, to provide fencing between Alfreton Grange and Woodbridge Junior School.
- 9.3.** That the decision is urgent for the reasons set up in the report and that call-in should be waived.

**Ian Johnson**  
**Strategic Director for Children & Younger Adults**