

**FOR PUBLICATION
DERBYSHIRE COUNTY COUNCIL**

CABINET

9 September 2021

Report of the Executive Director of Children's Services

**Childrens Services Capital Programme – Expansion Project for John Port
Spencer Academy**
Children's Services - Education

1. Divisions Affected

1.1 Etwall and Repton

2. Key Decision

2.1 This is a key decision

3. Purpose

3.1 To request approval for the funding of a capital project at John Port Spencer Academy to meet the demands of housing growth.

4. Information and Analysis

There is significant housing growth in the normal area of John Port Spencer Academy and to date, the Authority has secured £12M in Section 106 agreements. Given the size of the development, the Academy Trust has employed a specialist firm to assess the current accommodation and identify the projects needed to expand the school by 300 places for 11–16 pupils and increase the post 16 provision. At present the masterplan consists of 5 projects.

On 20 January 2020, the Executive Director for Children's Services approved £50,000 to commence the design on a project identified as 1A which is the

Sixth Form expansion. This project will deliver Sixth Form accommodation by extending the current Sixth Form building to create additional seminar rooms, study areas, social space and ancillary accommodation.

The design has been finalised and the cost will be £1,866,731.85. The Section 106 funds that are available to this project are identified in the table below.

Planning Reference	Site	Available Funds	Funds to be Allocated to Project
9/2014/0644	Clayton Works Hatton – post 16	£18,627.90	£18,627.90
9/2013/1044	The Mease – post 16	£161,100.64	£161,100.64
9/2014/1093	Mount Pleasant, Repton – post 16	£77,292.10	£77,292.10
9/2014/1136	Newhouse Farm – secondary	£660,763.90	£660,763.90
9/2014/1136	Newhouse Farm – post 16	£287,613.46	£287,613.46
9/2015/0354	Willington Rd, Etwall – secondary and post 16	£319,402.00	£319,402.00
9/2015/0768	Ladybank Mickleover – post 16	£146,175.91	£146,175.91
9/2014/1137	Mercia Marina – post 16	£4,579.65	£4,579.65
9/2013/1040	Willington Rd Etwall – post 16	£110,796 (£50,000 already allocated)	£60,797
Total		£1,786,351.56	£1,736,352.56

Total Cost of the project	£1,866,731.85
Less funds already allocated	£50,000
Total Additional Funding	£1,816,731.85
Section 106 Funding available	£1,736,352.56
School Condition Funding	£80,379.29
Total to be approved	£1,816,731.85

The contribution from the School Condition Fund would be repaid on receipt of further Section 106 funding to be received from planning reference 9/2017/1293 for the development at Derby Road, Hilton.

5. Consultation

- 5.1 John Port Spencer Academy is subject to the guidelines laid down in the document – ‘Making significant changes to an open academy and closure by mutual agreement’ dated November 2019. The Trust undertook a consultation in July 2020 and received a positive response to the expansion. The Trust is in discussion with the DfE re the expansion.

6. Alternative Options Considered

- 6.1 Not to proceed – The school retain its current capacity and not be able to admit the pupils from local housing developments. As there are no other secondary and post 16 places available in the area, the council would fail in its statutory duty to supply sufficient school places.

7. Implications

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

- 8.1 These are held on file in the Children’s Services Development Section

9. Appendices

- 9.1 Appendix 1- Implications.

10. Recommendation(s)

That Cabinet:

Approves the allocation of £1,749,354.80 of Section 106 funding and £80,379.29 of School Condition funding 20-21 to permit the Sixth Form project to proceed at John Port Spencer Academy.

11. Reasons for Recommendation(s)

- 11.1 To permit the expansion of the school to meet the demand from housing growth in its normal area.

12. Is it necessary to waive the call in period?

- 12.1 No

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This report has been approved by the following officers:

On behalf of: Director of Legal Services and Monitoring Officer Director of Finance and ICT Managing Executive Director Executive Director(s)	
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Appendix 1

Implications

Financial

- 1.1 The financial implications are explained in the Information and Analysis section above. The Section 106 funding is held by the council. A separate report on the Children's Services Capital programme 2021-22 is also to be considered on 9 September 2021. The report details an unallocated balance of School Condition Allocation 2020-21 of £2,098,893 prior to the report being considered. The report recommends further allocations and details the impact of this and other allocations on the School Condition unallocated balance for 2020-21 and the overall unallocated balance.

Legal

- 2.1 Spencer Academies Trust and are required to follow the guidance published by Department for Education guidance, and entitled 'Making significant changes to an open academy and closure by mutual agreement; Departmental guidance for all types of academy trust' dated November 2019. Under that guidance the trust shall carry out any consultation requirements with the relevant stakeholders as part of the submission of a business case for expansion of the school to the Department for Education.
- 2.2 Pursuant to section 14 of the Education Act 1996 the local authority is required to provide sufficient school places for primary and secondary education in its area.

Human Resources

- 3.1 The Trust will be responsible for providing the staff to teach the additional pupils on completion of the project.

Information Technology

4.1 None

Equalities Impact

5.1 No Impact

Corporate objectives and priorities for change

6.1 Not applicable

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 Not applicable

Report Sign Off and Version Control

Report Title	Expansion Project for John Port Spencer Academy Expansion Project
Author	Sue Pegg
Meeting and Date	Cabinet – 9 September 2021
Version	9
Key Decision (published)	Yes
Exempt item (notice of private meeting published)	No

Implications	Name and Comments	Date Approved
Finance		
Legal		
Human Resources		
Information Technology		

Equalities		
Corporate Objectives and priorities for change		
Consultation		
Other – please specify		

Author's Directorate Sign Off

		Date
Managing Executive Director/Executive Director		
DMT – if applicable		
CMT – if applicable		
Cabinet Member briefed		
Other – please specify		