

# OFFICER DECISION RECORD

**For staff restructures, please also complete an RA1 form to update the HR Portal. This is attached at Annex 2.**

Decision Ref. No:  
1718194

Vacancy: N/A

## **Box 1**

**DIRECTORATE:** Learning & Opportunities –  
Children & Young People

**DATE:** 20<sup>th</sup> December 2017

**Contact Name:** Paul Ruane

**Tel. No.:** 01302 737658

**Subject Matter:** The replacement of existing temporary accommodation at Kirk Sandall Junior School by creating a replacement classroom and associated works funded from S106 developer contributions.

## **Box 2**

### **DECISION TAKEN:**

To Grant Fund Kirk Sandall Academy Trust to enable them to provide for the replacement of existing temporary accommodation at Kirk Sandall Junior School by creating a replacement classroom and associated works. The works are funded from S106 developer contributions with any shortfall in the funding being met by Kirk Sandall Academy Trust.

## **Box 3**

### **REASON FOR THE DECISION:**

Doncaster Council has a responsibility to ensure that there is a sufficient supply of school places within the Borough. Kirk Sandall Junior School has an admission number of 90 and a capacity of 360 pupils. Part of the capacity is provided in temporary accommodation which requires replacement due to its dilapidated condition. The replacement will ensure that sufficient places are in place to meet the demand from the new housing development.

The maximum Contribution (funded from S106 developer contributions) is £149,501 which, as part of the developer's legal agreement, can only be used to contribute towards the provision of primary school places at Kirk Sandall Infant and Junior Schools. Any shortfall in the funding being met by Kirk Sandall Academy Trust.

**Box 4****OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:**

Option 1: Do nothing and lose the full Section 106 Contribution of £149,501 by returning this funding to the developer per contract agreement.

Option 2: Investigate other capital options to provide additional places at Kirk Sandall Infant and Junior schools. A meeting with the Executive Headteacher and School Organisation Service Manager has previously taken place to investigate all potential build options for both sites.

Option 3: Complete the works as requested as set down above to utilise funding within the time limitations from the S106 developer contributions.

**Option 3 is the recommended option as it will ensure Kirk Sandall Junior will have sufficient places for pupils by the replacement of the inadequate temporary accommodation, the creation of one additional classroom and associated works.**


**Box 5****LEGAL IMPLICATIONS:**

Section 1 of the Localism Act 2011 provides the Council with a general power of competence, allowing the Council to do anything that individuals generally may do. Section 111 of the Local Government Act 1972 gives the Council the power to purchase goods and services.

The Council entered into a S106 agreement with Harron Homes Limited on the 19th June 2014. One of the terms of the agreement is that Harron Homes Limited makes a payment of £142,002.00 (with interest £149,501) towards the provision of 14 primary school places at Kirk Sandall Infant and Junior School.

A suitable Funding Agreement will need to be put in place with the school to ensure the funds are spent in line with the s.106 Agreement. The Funding Agreement should include appropriate match funding and clawback provisions.

Name: Rebecca Brookes

Signature: 

Date: 21/12/17

Signature of Assistant Director of Resources (Legal and Democratic Services)

**Box 6****FINANCIAL IMPLICATIONS:****Capital**

An education contribution (including accumulated interest) of £149,501 has been received as part of the S106 agreement for planning permission agreement 14/00297. As part of the developer's signed legal agreement this can only be used to contribute towards the provision of creating 14 additional primary school places at Kirk Sandall Infant and Junior Schools.

In 2014-15 Doncaster MBC completed the construction of additional classrooms to create an additional 80 school places at Kirk Sandall Junior School in part for preparation of the building development at Athelstane Crescent, Edenthorpe. At this time Doncaster MBC discharged its obligation for the S106 agreement requirements on this matter.

The above development in 2014-15 could not be funded from the S106 agreement allocation due to the timing of this receipt. The income receipt was triggered prior to the construction of the roof of the 52nd dwelling. This was received in April 2016 however the school places were required to be available for those dwellings built prior to the 52nd dwelling. As such other LOCYP resources were used at this time to fund this project in advance of the S106 contribution.

The proposal to grant £149,501 to Kirk Sandall Junior School for the replacement of existing temporary accommodation is deemed the most appropriate use of this LOCYP resource from the swap with the S106 contribution and should ensure compliance with the covenant in the S106 agreement.

A funding agreement for the use of this grant should be signed by Kirk Sandall Junior School prior to any payment being made.

### **Revenue**

There are no revenue costs associated with this decision. If there are any additional revenue costs then the individual school will have to meet these from existing budgets.

**Name:** Stephen Boldry      **Signature:**       **Date:** 22<sup>nd</sup> December 2017

**Signature of Assistant Director of Finance & Performance  
(or representative)**

### **Box 7**

#### **HUMAN RESOURCE IMPLICATIONS:**

There are no HR implications associated with this particular ODR

**Name:** Maxine Le-Voguer      **Signature:**       **Date:** 27/12/17

**Signature of Assistant Director of Human Resources, Communications and  
Executive Office (or representative)**

**Signature of Assistant Director of Human Resources and Communications (or  
representative)**

### **Box 8**

#### **ASSETS & PROPERTY IMPLICATIONS:**

Whilst Doncaster Council has no legal interest in the freehold of the Kirk Sandall Junior School site, the authority does have a responsibility to ensure that there is a sufficient supply of school places within the Borough. As such, the works proposed will provide a solution to address issues with space/capacity that have been identified in Kirk

Sandall. Strategic Asset Management will work with the Admissions and Pupil Services Team upon completion of the works to ensure that schools data is updated as appropriate.

**Name:** David Stimpson, Property Manager

**Signature:** [REDACTED] **Date:** 21 December 2017

**Property Manager – on behalf of Assistant Director of Trading and Property Services**

**Box 9**

**ICT IMPLICATIONS:**

As we do not provide any ICT Technical support to Kirk Sandall Junior school there are no ICT implications associated with this decision.

**Name:** Peter Ward (Governance & Support Manager)

**Signature:** [REDACTED] **Date:** 21/12/17

**Signature of Assistant Director of Customers, Digital & ICT (or representative)**

**Box 10**

**PROCUREMENT IMPLICATIONS:**

The granting funding of schools sits outside the scope of the Council Contract Procedure Rules. However the procurement of the associated works identified in the body of this report should be in accordance with the Schools Financial Regulations.

**Name:** Shaun Ferron **Signature:** [REDACTED] **Date:** 22.12.17

**Signature of Assistant Director of Finance & Performance (or representative)**

**Box 11**

**RISK IMPLICATIONS:**

Complying with statutory regulations

**(Explain the impact of not taking this decision and in the case of capital schemes, any risks associated with the delivery of the project)**

**Box 12**

**EQUALITY IMPLICATIONS:**

In taking this decision, the decision maker must be aware of their obligations under section 149 Equality Act 2010. This section contains the Public Sector Equality Duty (PSED). It obliges public authorities, when exercising their functions, to have 'due

regard' to the need to:

- a) Eliminate discrimination, harassment and victimization and other conduct which the Act prohibits;
- b) Advance equality of opportunity; and
- c) Foster good relations between people who share relevant protected characteristics and those who do not.

Local educational facilities will remain accessible for local children and their families.

**Name: Paul Ruane**  
**(Report author)**

**Signature:** [REDACTED]

**Date: 20 December 2018**

### **Box 13** **CONSULTATION**

#### **Officers**

**(In addition to Finance, Legal and Human Resource implications and Procurement implications where necessary, please list below any other teams consulted on this decision, together with their comments)**

#### **Members**

**Under the Scheme of delegation, officers are responsible for day to day operational matters as well as implementing decisions that have been taken by Council, Cabinet, Committee or individual Cabinet members. Further consultation with Members is not ordinarily required. However, where an ODR relates to a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with the appropriate Cabinet Member before exercising the delegated powers. In appropriate cases, officers will also need to consult with the Chair of Council, Committee Chairs or the Chair of an Overview and Scrutiny Panel as required. Officers shall also ensure that local Members are kept informed of matters affecting their Wards.**

**Please list any comments from Members below:**

### **Box 14**

#### **INFORMATION NOT FOR PUBLICATION:**

It is in the public's interest to be aware of this decision record under the Freedom of Information Act 2000, therefore this decision will be published in full redacting signatures only.


**Name: Paul Ruane**

**Signature:** [REDACTED]

**Date: 20 December 2017**

**Signature of FOI Lead Officer for service area where ODR originates**

**Box 15**

**Signed:**  \_\_\_\_\_ **Date:** 9 January 2018  
Director of People

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
Additional Signature of Chief Financial Officer or nominated  
representative for Capital decisions (if required)

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
Signature of Mayor or relevant Cabinet Member consulted on the above  
decision (if required).

- This decision can be implemented immediately unless it relates to a Capital Scheme that requires the approval of Cabinet. All Cabinet decisions are subject to call in.
- A record of this decision should be kept by the relevant Director's PA for accountability and published on the Council's website.
- A copy of this decision should be sent to the originating Directorate's FOI Lead Officer to consider 'information not for publication' prior to being published on the Council's website.
- A PDF copy of the signed decision record should be e-mailed to the LA Democratic Services mailbox