

## Record of Decisions

### Children Services Capital Programme 2020/21

#### Decision Taker

Cabinet on 14 July 2020.

#### Decision

That Council be recommended:

- (i) that the Council agrees the list of projects and funding allocations as set out in Appendix 1 to the submitted report;
- (ii) that delegated authority be given to the Chief Executive to continue negotiations with the landowner(s) and any other person with an interest to acquire by agreement the Land and any other land, interests or rights subsequently identified as being required in consultation with the Cabinet Member for Children's Services and Section 151 Officer on any Heads of Terms.;
- (iii) that, having taken into account previous negotiations to acquire the Land, the making of any Compulsory Purchase Order(CPO)(s) pursuant to the Education Act 1996, or any other appropriate power, for the Land and any other land, interests or rights subsequently required to deliver the primary school. The Chief Executive be given delegated authority to give effect to this decision, including;
  - (a) the taking of all necessary steps required to secure the making of the CPO(s) and for the subsequent confirmation and implementation of the CPO(s) including the publication and service of all notices, statement of reasons and presentation of the Council's case at public inquiry, if necessary, to secure confirmation of the CPO(s) by the Secretary of State;
  - (b) to carry out any surveys on the Land or any other land required and enter as may be required in order to deliver the proposed development by CPO(s) which the Council is authorised to carry out either by consent of the relevant landowner or under section 172 to 179 of the Housing and Planning Act 2016;
  - (c) to enter into agreement(s) with any person or body to secure the withdrawal of objections to the CPO(s) and/or to negotiate and agree terms for the acquisition by agreement of any land, interests or rights as may be required for the new primary school; and
  - (d) to pay all necessary compensation either as agreed or as determined by the Upper Tribunal (Lands Chamber) in relation to the acquisition of land and other interests or for the overriding or acquisition of rights;
- (iv) that Council delegate to the Chief Finance Officer the approval of the expenditure of monies from the Children's Services Capital Programme Basic Need Funding required to cover the acquisition of the Land and any land, interests or rights as may be required for the scheme, either by agreement or by CPO; and

- (v) that once the Land, and any other land required, has been acquired either by negotiation or via a CPO(s) Council approve the disposal of the land required for the new primary school to the Department of Education (DfE) at Nil Value as the required contribution to the development of a two form of entry primary school. The DfE will in turn provide the capital to build the school through the Free School Programme. The land would be leased from the DfE to the Academy Trust running the new free school.

### **Reason for the Decision**

To approve the programme of capital investment for Children's Services to ensure that there are sufficient school places and facilities across the whole of Torbay.

To authorise the use of the Council's Compulsory Purchase Powers to enable a second free school to be built in Paignton.

### **Implementation**

The recommendations of the Cabinet will be considered at the Council meeting on 16 July 2020.

### **Information**

The submitted report sought seeking approval to implement the Children's Services Schools' Capital Programme using capital allocations of just over £9m received from the Department of Education (DfE). The projects proposed were detailed in Appendix 1 to the submitted report. The investment would ensure there were sufficient school places to meet demand and would provide much needed improvements across the school estate.

The report sought Council's approval to progress a compulsory purchase order ("CPO") to compulsorily acquire land for a new primary school in Paignton. The land subject to the proposed compulsory purchase order was land at Wilkins Drive, Paignton shown edged in red on the plan attached at Appendix 2 to the submitted report.

Councillor Law proposed and Councillor Morey seconded a motion that was agreed unanimously by the Cabinet as set out above.

### **Alternative Options considered and rejected at the time of the decision**

Alternative options were set out in the submitted report.

### **Is this a Key Decision?**

Yes

### **Does the call-in procedure apply?**

No

**Declarations of interest** (including details of any relevant dispensations issued by the Standards Committee)

None

**Published**

17 July 2020

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet