



**Overview and Scrutiny Committee 1
Partnerships, Regeneration, Community Safety &
Engagement**

12th October 2009

Briefing Note

**NORTHAMPTONSHIRE COUNTY COUNCIL'S SCHOOLS'
PRIVATE FINANCE INITIATIVE AND THE LOSS OF SCHOOL PLAYING
FIELDS**

1. Background

1.1 To provide the Overview and Scrutiny Committee 1 with a position statement on the outstanding resolutions in relation to this matter from Cabinet on the 14th July 2008 and to up-date the Committee following the briefing note received and considered on 3rd February 2009.

1.2 Cabinet, at its meeting on the 14th July 2008, resolved as follows:

(a) Confirmation is to be sought from WNDC that Managed Community Access Agreements have been put in place with respect of former school sites that have been developed under both the PFI scheme and where school land has been sold and developed for housing.

(b) Cabinet is to use its best efforts to ensure that the Borough's 2003 Planning Statement on Surplus School Sites, Open Space, Sports and Recreation Needs Assessment Audit and Playing Pitch Strategy are incorporate into the emerging new Local Development Framework as a matter of urgency.

2. Current Position

2.1 Committee received an up-date at its meeting on 3rd February and a copy of the relevant extract of the Minute is attached for information.

2.2 WNDC has granted planning permission for the re-development of the following school sites, subject to agreements under Section 106 of The Town & Country Planning Act 1990 on the 23rd December 2008:

Former Blackthorn Middle School, Blackthorn Road

Former Ecton Brook Middle School, Ecton Brook Road

Former St Mary's RC Middle School, Grange Road

Former Cherry Orchard Middle School, Birchfield Road East

Former Millway Primary School, Millway

- 2.3 Planning applications for the former Northampton Middle School and Green Oak Lower School sites, Bective Road and Parklands Middle School site, Devon Way and Kingsthorpe Middle School site, Northfield Way remain undetermined.
- 2.4 WNDC has requested NCC to provide more information on The Bective Road site in relation to traffic generation and traffic management and the potential to provide on-site community facilities. The Kingsthorpe and Parklands sites both have outstanding objections from both the Borough Council and Sport England to the loss of playing pitches .
- 2.5 In June 2009 Atkins, on behalf of the County Council, released a report 'Northampton Schools Re-organisation Programme'. This report was intended to update both Sport England and Northampton Borough Council in respect of sports pitch facilities in Northampton, with a view to reconsidering the outstanding objections in respect of Kingsthorpe and Parklands.
- 2.6 Both Sport England and Northampton Borough Council have questioned the methodology of the report and as a result the objections have been maintained as the report in its current form cannot be relied upon to provide a true reflection of pitch provision within Northampton.
- 2.7 For the Borough Council to make a decision on whether or not these sites can be lost to development with no playing pitch provision either on or off site, the County Council needs to revise its report and agree the methodology in advance with both the Borough Council and Sport England.
- 2.8 It is unlikely that these applications will be determined until the County Council resolves the outstanding issues to the satisfaction of all parties.

3. Managed Community Access Agreements

- 3.1 At it's meeting on 3rd February, the Committee receive a detailed report on the community access arrangements for both the PFI and non-PFI schools.
- 3.2 Committee will recall that the Council requested that the County Solicitor confirm in writing the arrangements that had been put in place with the PFI provider to ensure the access to, availability and affordability of the facilities for the community. This letter of

confirmation has not been forthcoming despite repeated requests. However, a copy of a letter from Northampton Schools Limited to the County Council dated 18th May 2009 has been received which sets out the arrangements for 'out of hours' third party usage of the 41 (soon to be 42) PFI Schools. A copy of the letter is attached for information. Northampton Schools Limited confirm that it is committed to maintaining current levels of community usage and is looking to increase the web-based booking system schoolbookers.com. This is due to go live by the end of November.

- 3.3** The Committee received a position statement at the meeting of 3rd February in respect of the community access arrangements to non-PFI schools. WDC has imposed, through the Section 106 agreements, an obligation requiring the County Council to use all reasonable endeavours to ensure access for the community to those remaining school playing fields adjacent to the PFI sites. This obligation has not been implemented and its legal enforceability is questionable. The position remains, therefore, that there is still the possibility that less pitches will be available for community use than was initially pledged through the delivery of the PFI arrangements.

4. Conclusion

- 4.1** It is regrettable that more positive progress towards resolving the outstanding issues cannot be reported. However, in respect of PFI schools, the position regarding community access arrangements is established. The position remains the same as reported in February in respect of community access arrangements for non-PFI schools, that the County Council has undertaken to use reasonable endeavours to secure access. This will be monitored to assess whether or not there is an adverse impact on the provision of playing fields available for community use as a result of the PFI project
- 4.2** In order to progress the Kingsthorpe and Parklands applications, the County Council has been requested to provide further information on the playing field audit and revise the June 2009 Report. This information is currently outstanding.

Minutes:

Sue Bridge, Head of Planning submitted a Briefing note that detailed progress made to date.

A meeting had taken place on Monday 26th January 2009 to discuss the current position in relation to all the applications for the surplus school sites planning applications to resolve the outstanding issues, primarily in respect of the Section 106 agreements. The focus was on two outstanding applications for the former Parklands Middle School and the former Kingsthorpe Middle School to resolve outstanding issues, including the outstanding comments from Sports England.

The Committee heard that a Managed Community Access Agreement is in place for the PFI run schools. This provides the conditions of affordability, accessibility and availability as requested by the Borough Council.

The PFI arrangement makes some provision towards the supply of junior pitches but does not sufficiently address the deficit. There is no increased deficit in adult pitches and there is an over supply of mini pitches.

The Borough Council has requested a solicitor's letter from the County Council to confirm the Managed Community Access scheme is in place of the PFI schools.

A Managed Community Access Agreement for non-PFI schools cannot be legally secured, although WNDC has made an obligation upon the County Council through the S106 Agreement to use all reasonable endeavours to persuade selected schools to make their pitches available for community use.

An audit of provision within the PFI run schools will inform the update of the Playing Pitch Strategy and the Open Space, Sport and Recreation Needs Assessment and Audit.

An update on all outstanding issues will be made to this Committee following the conclusion of the discussions between NBC, WNDC and the County Council in conjunction with Sport England.

The Chair acknowledged that the interim report covered the issues contained in the Overview and Scrutiny report that was presented to Cabinet in July and requested that a further report be submitted to this Committee, detailing Cabinet's response.

AGREED that a further report be presented to this Committee at a future meeting, detailing Cabinet's response to the Overview and

**Scrutiny report – County Council's Schools Private Finance Initiative
and the Loss of School Playing Fields.**

Northampton Schools Limited

18 May 2009

Northamptonshire County Council
PO Box 216
John Dryden House
8-10 The Lakes
Northampton
NN4 7DD

FAO Peter Burrell

RE : Third Party Lettings

Dear Peter,

As you are aware we are now managing and operating nearly all of the 'out of hours' third party usage at all 41 (soon to be 42) of the Schools within the PFI Contract.

As requested we are happy to provide some assurance that as part of this 'change of management' we are keen to continue, and indeed looking to grow, the levels of 'community use' which were in place at the time of the changeover.

We will shortly be launching a web-based booking system under the brand 'Schoolbookers.com' and through this we will seek to promote and encourage both community and commercial use of all the PFI Facilities including the Playing Fields and Sports Pitches, remembering of course that priority and consideration must always be given to ensuring that the facilities are available for School use as and when required under the PFI Contract.

In accordance with our contract we are required to consult with the Authority when setting and reviewing rates and we hope you will agree that we have demonstrated our commitment to 'community use' by offering significantly discounted rates to community groups and organisations which meet some basic criteria. We have also demonstrated that the rates offered are well below the Authority's Advisory Rates for Schools outside of the PFI.

We acknowledge that in some cases it has not been possible to continue to offer community usage at the same rates which were previously in place but we hope that you agree we have dealt with any issues sympathetically and fairly, and that any new rates imposed have been fairly introduced.

Please do let us know if you require any further information.

Yours sincerely,



Kevin Hawkins
Contractors Representative

Cc David Cross (Amey)