

Record of operational decision

Decision title:	Decision to spend monies related to Brookfield School redevelopment and the required surrender of lease and associated land.
Date of decision:	20 March 2023
Decision maker:	Director of Resources and Assurance
Authority for delegated decision:	<p>On the 14th Nov 2022 the decision to approve spend of up to £370,000 pre-construction cost to enable the surrender of a lease to acquire possession of land required to redevelop Brookfield School, start the gas diversion process prior to school redevelopment and re-engage with existing consultants to tender project.</p> <p>https://councillors.herefordshire.gov.uk/documents/s50104922/Brookfield%20School%20-%20PreConstruction%20Cost.pdf</p> <p>On the 21 July 2022 cabinet approval Brookfield Special School Capital Improvement Programme – re-profile of spend.</p> <p>https://councillors.herefordshire.gov.uk/documents/s50102414/Brookfield%20Special%20School%20Capital%20Improvement%20Programme%20re-profile%20of%20spend%20main%20report.pdf</p>
Ward:	All Wards
Consultation:	<p>Consultation has been carried out as part of the Brookfield Special School Capital Improvement Programme – re-profile of spend cabinet decision held on 21st July 2022.</p> <p>Link-</p> <p>https://councillors.herefordshire.gov.uk/documents/s50102414/Brookfield%20Special%20School%20Capital%20Improvement%20Programme%20re-profile%20of%20spend%20main%20report.pdf</p>
Decision made:	To approve spend of up to £119,674 related to costs associated with the negotiated surrender of lease to acquire possession of land required to redevelop Brookfield School.
Reasons for decision:	<p>The land is required in order to deliver the Cabinet decision, on 21 July 2022, to accept of the Department for Education (DfE) funding offer and move forward with The Brookfield Special School project.</p> <p>should we not secure the land, the project cannot be delivered and therefore we will lose the DfE funding contribution of £3.233m</p>
Highlight any associated risks/finance/legal/equality considerations:	<ol style="list-style-type: none"> 1. The current tenant may choose not to surrender lease. This would mean the council do not have, in their possession, land required to deliver the Brookfield Special School capital improvement programme. 2. The Mercian Education Trust could pull out of the transfer of the Brookfield Special School if the capital project is at risk/does not go ahead. 3. By progressing with any of the pre-construction items recommended, ahead of either securing possession of the land and/or the transfer of Brookfield School to MET taking place, and either of the risks above were to be realised, any spend by the council would be abortive and would not be recoverable from the Brookfield Special School capital improvement programme capital line

Details of any alternative options considered and rejected:	Do not agree to spend on cost related to lease surrender and re-grant. This is not recommended, as this would cause significant risk to attaining the required land to develop the school and build the new Arrow centre and consequently could put at risk the 70% funding offer, for the project, from the Department of Education (DfE).
Details of any declarations of interest made:	None

Signed

Date: 20 March 2023