

Meeting: Full Council

Date: 19 April 2018

Wards Affected: All

Report Title: Transformation Project – Parkfield Future Options

Is the decision a key decision? Yes

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1. Proposal and Introduction

- 1.1 The purpose of this report is to set out proposals for the future use of the Parkfield site (including Parkfield House) following the decision by Council not to approve the planning application that would have enabled the relocation of Torbay School (Brunel Academy).
- 1.2 For the purpose of this report, the Parkfield site encompasses the Parkfield youth facility (MyPlace) and Parkfield House as both remain operational delivery sites for Children's Services, whilst the latter features within the proposals recently brought forward by the Paignton Town Centre Community Partnership.
- 1.3 This report reflects the work recently undertaken by FMG Consulting Ltd to explore options for the future use of the site and further dialogue with the Education Funding Agency (Estates Team) to clarify their expectations and any constraints these place on decision making. The overall aim is to ensure that the exploration of future options proceeds from an exhaustive and accurate appreciation of the various constraints and opportunities that apply, with a particular focus on the development of youth related provision, in accordance with the funding requirements. A further consideration is how the site can support the Council in delivering its wider statutory responsibilities for the children and young people of Torbay. A copy of the Options Appraisal Completed by FMG Consulting Ltd is attached at Appendix 1.
- 1.4 The Overview and Scrutiny Board considered the proposals at their meeting held on 11 April 2018 and supported the recommendations set out in paragraph 3 to this report.

2. Reason for Proposal

2.1 The Parkfield site comprises of a number of distinct elements currently supporting an eclectic range of local authority services, voluntary sector activity and open community use, with Torbay Council retaining overall responsibility for the site.

2.1.1 Parkfield Youth Centre (New Build)

Parkfield Youth Centre was developed via a Department for Education Lottery grant of £4.8m and opened in 2011. It comprises of a large recreation/performance hall, training kitchen and café, music suite, climbing wall and IT suite. It is currently the operational base for the Youth Service and Young Carers Service and provides for 25 hours per week of delivery, of which 8 are targeted sessions for vulnerable young people, which, in total, engage around 120 individual young people. The building also hosts the Careers South West Service to benefit those young people vulnerable to becoming NEET (not engaged in education, employment or training).

A local organisation, Reach Outdoors are currently operating the climbing wall under a Tenancy at Will arrangement until the longer term future of the site is determined. They have been able to develop a viable business model working with groups of young people including schools and free sessions for the youth service.

2.1.2 Parkfield House

Parkfield House is a Grade 2 listed building and the current base for the Youth Offending Service (YOS) and Care Leavers' Service. The Crime and Disorder Act 1998 places duties on the local authority and its statutory partners (Police, Health and Probation) to co-ordinate the provision of youth justice in their local area. Torbay YOS work with some of the most complex and vulnerable young people in Torbay including those subject to custodial sentences. They are required to engage and supervise young people on an individual basis in order to address their offending behaviour and protect the wider community. The Care Leavers' Service forms part of Torbay Council's Social Care Service and aims to support young people leaving care to realise their aspirations for education and employment alongside supporting their personal and social development. Both services engage young people on site on a daily basis.

2.1.3 BMX Track

The BMX Track is a core part of the youth offer and is capable of operating as a regional and national competition track. A local club has been supported to run this and is seeking a lease to fulfil its ambitions within the site and to enable extended opening with safe supervision and training.

2.1.4 Skate Park

The Skate Park is an open access facility attracting a diverse age range and proving particularly popular for many young people who initially face barriers to engaging with mainstream services. The skate park is open when the building is not and, as such, is used from early morning to late evening.

2.1.5 Eat That Frog

This community interest company has enjoyed a longstanding partnership with Parkfield, partially maintaining the grounds through a skills and learning programme for those interested in horticulture and maintenance. Eat That Frog previously operated the training kitchen, but withdrew when the day-time alternative education offer ended on the site.

ETF has been on site and since 2013 providing a range of community based projects aimed at helping young people to get paid work. The work undertaken by ETF is funded by the Education & Skills Funding Agency (Department for Education) and Department for Work & Pensions and brings an investment into Torbay in excess of £800k annually. This work has been praised by local residents and the Herald Express in improving the site whilst linking people to paid employment.

ETF is classified by the Department for Education as a Specialist Post 16 Institution for learners with Special Educational Needs and listed as listed as an Independent Special School on section 41 of the Children and Families Act. There is an existing link with examples of learners progressing from the medical tuition service to ETF.

The educational contracts held by ETF allow delivery of adult learning which may also be delivered on site and provide opportunities to run courses for “Young mums to be” and “Parenting” which will provide strength to the wider support of Torbay’s Children and Families at no cost to Torbay Council.

2.2 Since its opening in 2011 Parkfield (MyPlace) has experienced difficulties in securing and sustaining the revenue funding necessary to match the undoubted quality and scale of the facilities and deliver a comprehensive and enticing offer for young people. Parkfield is not the only youth facility developed under the MyPlace Programme which has experienced such challenges and nationally, a range of solutions have emerged:-

- An ongoing LA revenue contribution (often drawn from consolidating youth service delivery funding on to one site) matched or complemented by further private/voluntary/public sector funding. Examples: Bolton and Wigan Girls and Lads Club with a funding ratio of 40% LA, 40% donations and 20% user subs, Toxteth Fire Fit Hub which is part of ComMutual Housing Charity.
- A tapered (time limited) LA revenue contribution matched/complemented by private/voluntary/public sector funding with the aim of securing independent and sustainable youth provision after an agreed period of time. Examples: South Leeds partnership with the YMCA, Wirral Council and The Hive.
- Co-locating a range of daytime services for young people/community groups to cover premises costs and a revenue contribution to sustain/develop evening and weekend provision. Examples: Dawlish Red Rocks Centre or Bristol The Station.

2.3 A sustainable solution for Parkfield is likely to comprise of number of elements that taken together secure viability in the short term (in relation to premises operating costs), but with the potential to grow delivery and activity for young people over time. This could involve an ongoing LA financial contribution or entirely independent operation, on either a commercial or community basis, after an agreed period of time. Subscriptions from young people using the facilities are likely to be an element of the solution but only at the point the activity offer has matured to justify this. Within any future model, the Council is legally obliged under the EFA grant funding agreement and deed of dedication to facilitate youth provision for the site until 2030.

- 2.4 In light of the Council's decision on the planning application for Torbay School (Brunel Academy), children's services officers have had further dialogue with the Education Funding Agency (EFA) in order to clarify the considerations that would apply to any future proposals for use. EFA have confirmed that the Council is legally obliged under the grant funding agreement and deed of dedication to provide youth provision (as set out in the grant funding agreement) until 2030. The grant funding for the site being secured via the deed of dedication and restriction on title, with the potential for 'claw back' if conditions are not met. In summary, the DfE's (via EFA) approval would be needed to dispose of the site and any such approval would not be given lightly.
- 2.5 Torbay Community and Customer Services recently engaged FMG Consulting Ltd. to assist with commercial development in a number of areas including the Riviera International Conference Centre. At the request of the Director of Children's Services, this work has been extended to encompass an Options Appraisal for future use of the Parkfield site including:
- Do nothing (status quo)
 - Co-location of Children's Services
 - Community management
 - Commercial operator
 - Asset transfer
- 2.6 A copy of FMG Consulting Ltd's report is attached at Appendix 1. Set out within the report is an analysis of the opportunities, challenges and implications for the options set out above. FMG do not come to a firm view on any single option as they acknowledge that any final decision will require a careful balance to be struck between best utilisation of the asset, financial considerations, community benefit and the Council's wider statutory obligations to provide services for children and young people.
- 2.7 The co-location option explored in the FMG report is for the Council's Medical Tuition Service to relocate to Parkfield (MyPlace). The Council's Medical Tuition Service (MTS) is currently located at Halswell House, Paignton and aims to meet the needs of pupils who cannot access education in a mainstream setting due to an ongoing medical condition. The MTS currently supports around 47 children from this site, a further 7 pupils in a hospital setting and around 15 children via an outreach IT based solution. There is an increasing demand for this service and Parkfield could provide for up to 60 places should the MTS relocate.
- 2.8 The criteria for access to the service is a diagnosed medical condition that continues to make access to an educational setting too challenging. A school may refer a student to the Medical Tuition Service, after a period of 15 days continuous ill absence or an admittance to a hospital. The school should include all relevant medical evidence from medical professional and supporting agencies to enable the application to be considered by the Pupil Referral Panel. It is the ethos of the service that wherever possible it will support an eventual return to a mainstream educational setting when the student is medically fit to do so. For this reason the pupil remains on the roll of both the school and the Medical Tuition Service.
- 2.9 It is important to note that the MTS is not currently registered with Ofsted although this is a legal requirement. The Halswell House site is a Grade 2 listed building would not meet the standards required to achieve registration, primarily due to poor access. Ofsted are aware of the situation and have not taken enforcement action on the understanding that the Council is working towards a solution. Dual registration has been implemented as an interim measure (maintaining pupils on the roll of their original school and MTS) to avoid

pupils attending an unregistered provision. This issue is a standing item on the regular meetings between Ofsted, the DCS and Head of Education Services and a longer term solution will need to be communicated to Ofsted as soon as practicable.

- 2.10 Initial discussions with the TDA have identified that the remodelling of Parkfield (MyPlace) to accommodate MTS would be largely internal, with estimated costs set out in Table 1 below. Planning consent would be required for the external works which encompass fencing and car parking. The proposal would not involve any significant alterations to the external fabric of the existing Parkfield structure or any new build. Relocating the MTS would not interfere with the site's use on evenings and weekends for youth provision or community use.
- 2.11 The estimated capital costs would be funded from any unallocated sums from within the existing Children's Services capital programme and up to £600k of prudential borrowing to be funded from any future premises savings. Any remaining funding shortfall would need to be included in 2019/20 budget.
- 2.12 Should MTS not relocate to Parkfield it will require to be relocated to another existing site or a new build facility as soon as practicable. Table 2 below summarises the DfE guidance for alternative provision should the MTS require a new build facility. This figure excludes fees and charges and site acquisition costs. Relocation to Parkfield would offset significant costs associated with a new build should this be required.

Table 1: Estimated Costs for remodelling Parkfield (MyPlace)

TDA Property Services Estimate 05.02.18	
Minor alterations	£ 331,200.00
External works (fencing, access & car park)*	£ 110,000.00
Preliminaries	£ 65,000.00
Contingencies	£ 50,620.00
Fees	£ 74,750.00
F&E	£ 30,000.00
<i>*Excludes MUGA</i>	

£ 661,570.00**Table 2: DfE Recommendations for alternative provision**

DfE Recommendations (BB104) for Alternative Provision (Health)		M²
Basic Teaching	60+4.5N	276
Halls, PE, Dining & Social	40+0.6N	69
Learning Resources	10+0.4N	29
Staff & Admin	35+0.5N	59
Storage	35+0.5N	59
Float	70+1.1N	123
Min Net Area	250+7.6N	615
Non-Net area	150+2.9N	289
Min Gross Area	400+10.5N	904

DfE National benchmarking price per M² £ 2,651.00**£ 2,396,504.00**

Note: Excludes statutory fees, survey costs, legal & land acquisition, loose F&E, external works and client departmental costs

2.13 Paignton Town Community Partnership (PTCP) has recently brought forward its own proposal for the future use of the whole of the Parkfield site. The proposal envisages an inter-generational approach with daily use of the centre by the over 50s and the remodelling of Parkfield House as a hostel and base for outdoor/adventure activities in order to fund the model. In May 2017, PTCP issues a further statement of intent to the Council seeking:-

- Full sign up 'in principle' to a community led solution.
- That Torbay Council provide details of premises costs, condition surveys (commissioning new surveys if more than two years old) and details of any land contamination or environmental issues.
- The granting of a lease to the emerging partnership similar to that offered to Torbay School.
- That the emerging partnership be granted exclusivity – with no information being used to develop an alternative approach or passed to a third party or an open market process.

- 2.14 The Localism Act (Community Assets) provides community groups with the right to bid in the event of a relevant disposal of an asset, a relevant disposal being either sale of the freehold or awarding a lease. In addition, financial regulations require that all disposals or leases must be subject to a formal process where the market rent is over £10k per annum. There is scope for the Chief Finance Officer, in consultation with the elected Mayor and Monitoring Officer to waive these requirements but only where the proposed lease is in the best interests of the Council and the terms of the lease are unlikely to be bettered.
- 2.15 As one potential option is for the Council to retain the site and relocate the MTS thereby, potentially saving the Council significant capital spend, it would be difficult to justify awarding the lease to any community group without some form of processing being undertaken. A further consideration and challenge for the Local Authority is that the PTCP proposal requires the acquisition of Parkfield House which is currently the operational base for the Youth Offending Service and Care Leavers Service. Both services form part of the continuing obligations placed on Torbay Council as a unitary authority to deliver a range of statutory services for children and young people. There is no clear rationale for the relocation of either service, other than to enable PTCP to realise its aspirations for the wider Parkfield site. There would inevitably be revenue and capital costs associated with moving both services and, in the case of YOS, some challenge in finding a suitable site that provides a safe environment to engage young people open to the service whilst managing the risks they might pose to the wider community.
- 2.16 The relocation of Torbay School (Brunel Academy) was proposed as a means of sustaining, and over time, growing youth provision through a co-location model that also met the needs of the some of the most vulnerable young people in our community. EFA's support for the proposal reflected their confidence in a co-location solution that combined an education setting with related youth services. The proposal to relocate the Medical Tuition Service (MTS) takes a similar approach but will not involve the physical change to the site necessary to relocate Brunel Academy. This option meets the Council's statutory requirements in addressing an urgent problem in relation to unsuitable and unregulated provision for some of the most vulnerable children and young people in Torbay. The co-located model has worked well elsewhere and represents the efficient use of a built asset, designed specifically to meet the needs of young people, against a very challenging financial background for both revenue and capital funding.
- 2.17 The previous proposal for Parkfield involved significant physical changes to the site, particularly to the MyPlace building, and raised planning concerns about the impact on the immediate locality due to their scale. Whilst the proposal to relocate MTS would require planning consent it does not require any new build or significant changes to the external fabric of the existing building associated with the previous proposal. The external works are limited to fencing and car parking and the internal remodelling would not interfere with community and youth provision at evenings and weekends.
- 2.18 It is important that the potential use of Parkfield by the Medical Tuition Service is not considered as being at the expense of the 'community' but rather the discharge by the Council of its obligations on behalf of the whole community of Torbay. The children and young people accessing that service are from across Torbay, including Paignton, and are amongst the most vulnerable in our community. Torbay Council Children's Services is currently subject to a Statutory Direction for failing to meet its obligations towards vulnerable children and young people. In such circumstances, priority must be given to ensuring its statutory services are placed on a sustainable and effective footing. Whilst the FMG report identifies clear opportunities for a community or commercial solution for Parkfield, the relocation of the MTS to Parkfield should be considered in that wider context.
- 2.19 In order to support the continued development of youth and community provision it is proposed to create a new governance structure for the site by establishing a user group comprising of representatives from Children's Services, MTS, Torbay Youth Trust, Eat That

Frog, young people and Paignton Town Community Partnership to ensure provision develops in line with the original vision for the site and enable the community to have a voice within that journey. Torbay Youth Trust recently registered as a Charitable Incorporated Organisation (CIO) having dual registration with the Charities Commission and Companies House. The Trustees combine professional and academic expertise in the field of youth services and the opportunity to grow youth provision both at Parkfield and elsewhere through grant funding that would not otherwise be available to the Council. Under this option the Youth Trust would focus on the growth of youth provision both at Parkfield and elsewhere but without being directly responsible for the premises.

- 2.20 In conclusion, the FMG report highlights opportunities from commercial, community and statutory service use of the Parkfield site which could satisfy the revenue constraints and the aspiration to optimise site usage. However, any option which involved disposal or transfer of the asset would need to be carefully balanced against the proposal to relocate the MTS to Parkfield which would ensure the grant funding conditions continue to be met, off set a potential cost of around £2.4M should a new build be required, avoid the as yet unquantified cost of relocating services in Parkfield House, and meet the needs of particularly vulnerable group of Torbay children and young people. Moreover, the proposed governance arrangements to oversee the development of youth and community usage would ensure that local concerns can be accommodated whilst maintaining the Council's focus and commitment toward children and young people.

3. Recommendation(s)/Proposed Decision

- 3.1 That the proposal to relocate the Medical Tuition Service in MyPlace, Parkfield, Paignton be approved.
- 3.2 That the Director of Children's Services be requested to ensure that parents and service users of the Medical Tuition Service are fully engaged in the implementation of the proposed changes to their service provision.
- 3.3 That the proposal to fund the capital expenditure associated with 3.1 above from any unallocated sums within the existing Children's Services Capital Programme and up to £600,000 of prudential borrowing funded from any future premises savings and any shortfall being included in the 2019/2020 revenue budget be approved.
- 3.4 That the establishment of the Torbay Youth Trust be approved.
- 3.5 That the creation of a Parkfield User Group comprising representatives of young people, the Youth Trust, the Medical Tuition Service, Eat That Frog, Paignton Town Community Partnership, Torbay Community Development Trust, Torbay Community Partnerships and the Overview and Scrutiny Board be approved.
- 3.6 That the Parkfield User Group be established as soon as possible and be asked to consider how the use of MyPlace can be maximised.

Appendices

Appendix 1: FMG Consulting Ltd Options Appraisal of Parkfield Youth Centre

Background Documents

None

Section 1: Background Information

1.	<p>What is the proposal / issue?</p> <p>The proposal is to relocate the Medical Tuition Serve (MTS) to the Parkfield (MyPlace) facility.</p>
2.	<p>What is the current situation?</p> <p>The Parkfield (MyPlace) facility has experienced difficulties in securing and sustaining the revenue funding necessary to match the quality and scale of the facilities it can offer. FMG Consulting Ltd. were asked to explore future options for the site and their Options appraisal document is attached as an Appendix to the Council Report. It identifies a range of options for the site encompassing commercial operation, a community led approach and a co-location model. Their report identifies risks and opportunities with all of these options. The relocation of the Medical Tuition Service is proposed as the option that best meets the needs of a very vulnerable cohort of young people whilst also aligning with the wider vision for Parkfield as a high quality service facility for children and young people. The proposal would avoid potentially significant capital costs associated with the relocation of the MTS whilst also offsetting a significant proportion (circa 50%) of Parkfield's day to day operating costs. The proposal would not involve significant remodelling of the facility or impede the wider use of the site by youth and community groups in a managed and agreed manner.</p>
3.	<p>What options have been considered?</p> <p>The strengths and weaknesses of the various options for Parkfield are set out within the Options Appraisal completed by FMG Consulting Ltd. which is attached at Appendix 1 to this report.</p>
4.	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</p> <p>Ambitions: Prosperous and Healthy Torbay Council</p> <p>Principles:</p> <ul style="list-style-type: none">• Use reducing resources to best effect• Integrated and joined up approach <p>Targeted actions:</p> <ul style="list-style-type: none">• Protecting all children and giving them the best start in life• Promoting healthy lifestyles across Torbay Council• Ensuring Torbay remains an attractive and safe place to live and visit
5.	<p>How does this proposal contribute towards the Council's responsibilities as corporate parents?</p>

	<p>Children and Young People access the MTS are amongst the most vulnerable in Torbay. This proposal will improve their situation and provide for growth capacity particularly for the post 16 years offer.</p>
6.	<p>How does this proposal tackle deprivation?</p> <p>The proposal will tackle inequalities in the quality of education provision for those children requiring a service from MTS which is currently in unsuitable, unregistered provision.</p>
7.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>The engagement exercise undertaken by FMG Consulting Ltd provided the opportunity for partners and stakeholders with an interest in the Parkfield site to give their views which in turn have fed into the Options Appraisal attached to this report. This has identified a wide range of opportunities for the site in addition to the proposal set out in this report.</p> <p>In terms of the relocation of the MTS, consultation has been confined to school leadership as the considerations at this stage are confined to Parkfield suitability as a base for the MTS.</p>
8.	<p>How will you propose to consult?</p> <p>As set out above, FMG completed a soft market test exercise to explore wider opportunities for the future use of the Parkfield site. Parents and service users will be fully engaged as part of the implementation of the proposed changes to their service provision.</p>

Section 2: Implications and Impact Assessment

9.	What are the financial and legal implications? The proposal will require around £600k on capital to be funded from prudential borrowing and any unallocated sums within the Children's Services capital programme. Taking this approach would avoid the capital costs associated with either a new build or alternative site for the MTS. The relocation of MTS would also offset the existing premises costs for Parkfield by around 50%.
10.	What are the risks? Any proposal for the future use of Parkfield will require to meet the DfE's expectations in line with the original grant funding agreement. There is a risk that the proposal will not be approved, however, this is unlikely given the nature of the proposal and the approval of similar co-location models elsewhere.
11.	Public Services Value (Social Value) Act 2012 The proposal does not require a procurement process to commence as the asset will remain an operational service platform for Children's Services.
12.	What evidence / data / research have you gathered in relation to this proposal? FMG have undertaken an Options Appraisal attached at Appendix 1, within in which a co-location model is considered.
13.	What are key findings from the consultation you have carried out? The Options Appraisal undertaken by FMG Consulting Ltd identifies a range of options for Parkfield each with its own strengths and weaknesses. It comes to no definitive conclusion on which is the best approach. The co-location model involving the relocation of MTS is proposed as an officer recommendation having due regard to the wider statutory responsibilities on the Council for the Children and Young people of Torbay.
14.	Amendments to Proposal / Mitigating Actions The proposal to relocate MTS and the Options Appraisal undertaken by FMG Consulting Ltd were considered by the Overview and Scrutiny Committee at its meeting on 11 th April 2018. Their recommendations have been reflected within Section 3 of this report.

Equality Impacts

15	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	This proposal will provide a more suitable educational environment for children requiring the Medical Tuition Service.		
	People with caring Responsibilities			No differential impact
	People with a disability	This proposal will provide a more suitable educational environment for children requiring the Medical Tuition Service.		
	Women or men			No differential impact
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			No differential impact
	Religion or belief (including lack of belief)			No differential impact
	People who are lesbian, gay or bisexual	The proposal will enable the LGBTQ group to continue to hold its meetings at the Parkfield site.		

	People who are transgendered	The proposal will enable the LGBTQ group to continue to hold its meetings at the Parkfield site.		
	People who are in a marriage or civil partnership			No differential impact
	Women who are pregnant / on maternity leave			No differential impact
	Socio-economic impacts (Including impact on child poverty issues and deprivation)			No differential impact
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			No differential impact
16	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	The proposal supports the wider improvement journey for Children’s Services by providing a suitable site for MTS as opposed to the current unregistered location and contribute to the operating costs of Parkfield MyPlace thereby supporting the development of youth and community provision. The proposal also supports service growth and the development of post 16 provision which is not currently available.		
17	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	None anticipated		