

CABINET SPOKESPERSON, REGENERATION AND CULTURE

Record of a decision taken on 26 May 2022

Future Relocation of Grimethorpe Community Farm at Milefield Primary School

Subject

The purpose of this report is to bring to the attention of Cabinet the future of the Grimethorpe Community Farm (GCF) which has become a more urgent issue as a result of the recent Academy Conversion at Milefield Primary School

Key Risks Associated with the Proposed Action

A risk is that GCF is unable to relocate and therefore must close. If closure was the result, it is intended that this will be handled as sensitively and sympathetically as possible.

All of the financial risk in removing the farm and reinstating the land will rest with the Council and/or GCF.

There is still a risk that the costs associated with removing the farm from the school grounds will be higher than the estimate that has been provided by BPS (previously NPS Barnsley). Therefore, care will have to be exercised to try and ensure that these costs do not spiral out of control.

There is a serious reputational risk for the Council as well as the risk of legal action against the Council if the farm is not relocated or closed prior to the end of the 2-year underlease.

To mitigate the risk, it is suggested that the Council impose a realistic earlier deadline on GCF for any relocation proposal to be finalised, namely 31st January 2023, allowing for all the practicalities of relocation over the following six months and if this deadline is not met then the option of relocation should be withdrawn and GCF and the Council will need to put in place a timetable for ending public access removal of the animals and then final closure.

Recommendations

It is recommended that the Cabinet Spokesperson, Regeneration and Culture:

- 1. Notes that a 125-year Academy Lease was granted to Hoyland Common Academy Trust from 1st July 2021;**
- 2. Notes that upon the grant of the Academy Lease the Council took up the offer of a two-year underlease of the Community Farm so that the GCF could continue to operate at the school under a short term (up to two year) licence;**
- 3. Notes that the purpose of the two-year licence will be to provide GCF time to explore options for relocation of the farm, provided that a suitable alternative site can be located, and subject to GCF, providing a suitable business plan and their having the financial standing to fund the proposed relocation or in the alternative to provide time to GCF for orderly closure including rehousing of all of the animals;**
- 4. Acknowledges and approves the expenditure for the reinstatement of the school grounds following GCF's vacation of the site;**

- 5. Authorises the North East Area Council Team to continue to support the Community Farm with their relocation plans and community support activities; and
- 6. Authorises the Corporate Asset Manager to explore possibilities for a long-term lease of alternative Council owned sites including consideration of any business plan produced by the Community Group, and the financial standing of GCF.

Certification by the Executive Director Place. Report cleared for consideration by Cabinet Spokesperson

Signed Date 26/05/2022

Decision / Comments of the Cabinet Spokesperson

Recommendation Approved / Not Approved * by Cabinet Spokesperson
(*delete as appropriate)

.....
(Signed) Cabinet Spokesperson

...26/05.22.....
Date

BARNSLEY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has been included in the relevant Forward Plan

**Joint Report of the Executive
Director Place and the Executive
Director for Adults and Communities**

Future and Relocation of Grimethorpe Community Farm at Milefield Primary School

1. Purpose of Report

- 1.1 The purpose of this report is to bring to the attention of Cabinet the future of the Grimethorpe Community Farm (GCF) which has become a more urgent issue as a result of the recent Academy Conversion at Milefield Primary School.
- 1.2 Milefield Primary School converted to Academy Status on 1st July 2021 and the Hoyland Common Academy Trust (HCAT) require the Farm to be removed from the school site, as soon as possible. Therefore, this report will set out what has been offered by HCAT as a short-term solution for the continued occupation of the Community Farm, as well as the longer-term options available for Cabinet to consider.

2. Recommendations

- 2.1 **That the Cabinet Spokesperson notes that a 125-year Academy Lease was granted to Hoyland Common Academy Trust from 1st July 2021.**
- 2.2 **That the Cabinet Spokesperson notes that upon the grant of the Academy Lease the Council took up the offer of a two-year underlease of the Community Farm so that the GCF could continue to operate at the school under a short term (up to two year) licence.**
- 2.3 **That the Cabinet Spokesperson notes that the purpose of the two-year licence will be to provide GCF time to explore options for relocation of the farm, provided that a suitable alternative site can be located, and subject to GCF, providing a suitable business plan and their having the financial standing to fund the proposed relocation or in the alternative to provide time to GCF for orderly closure including rehousing of all of the animals.**
- 2.4 **That the Cabinet Spokesperson acknowledges and approves the expenditure for the reinstatement of the school grounds following GCF's vacation of the site.**
- 2.5 **That the North East Area Council Team be authorised to continue to support the Community Farm with their relocation plans and community support activities.**

2.6 That the Corporate Asset Manager be authorised to explore possibilities for a long-term lease of alternative Council owned sites including consideration of any business plan produced by the Community Group, and the financial standing of GCF.

3. Introduction

3.1 Milefield Community Farm is in essence a Petting Farm set up by the former Head Teacher and staff of Milefield Primary School. It is located within the school grounds and shares an entrance with the School and adjoining Family Centre. As well as outside space for the animals, the former caretaker's bungalow has been converted to provide a café / meeting space for users of the farm and the volunteers who run it.

3.2 The Community Farm was originally based on a committee made up of three school staff members, but subsequent to this the management of the Community Farm is now undertaken by a community group known as the Grimethorpe Community Farm (GCF). GCF currently operate from the caretaker's bungalow and school grounds.

3.3 It can be noted that:

- The Ward Councillors are fully supportive of the Community Farm's relocation plans and Councillor Jeff Ennis is the Chair of the Steering Group.
- The Community Farm's Steering Group is fully constituted and has a Chair, Secretary and Treasurer in addition to several residents from Grimethorpe who are members of the Steering Group.
- The Community Farm's Governance arrangements were supported by Barnsley CVS and are robust and effective.
- All the Safeguarding, Health and Safety and Equal Opportunities Policies have been checked and approved by Barnsley Council Officers. Risk assessments are completed for all activities at the Community Farm and have been commended by Public Health.
- The Area Team has supported the Farm to prepare their accounts, and the Community Farm accounts for the last two years have been audited and signed off by Barnsley CVS. The Community Farm operates with its own Bank Account. This places the Community Farm in a strong position to be able to apply for funding to relocate to new premises.
- The North East Area Team are currently supporting the Community Farm with its administration procedures, and supporting them with using digital financial good practices and efficiencies
- The Community Farm Steering Group are working on a Business Plan to identify the short term, medium term and long-term objectives for the Farm which assist with future funding applications. The Area Team have identified a volunteer who writes Business Plans for his job role and is currently helping the Community Farm with their Business Plan on a pro bono basis.
- It should also be noted that the Community Farm is the central hub of the local community, operating a Food Bank, and providing hot meals at reduced prices for residents who need it. Additionally, residents who are struggling are always sign posted to support agencies who can assist them.
- The Community Farm is the assigned area for designated flood bank materials in the village and have been forwarded by Berneslai Homes for an award for their contribution to the community during last year's floods in the village.

- The Community Farm supports the following organisation with Volunteering opportunities – Barnsley Council Volunteer and Employment Department helping young people with low academic levels, and with physical or mental disabilities volunteering in a smaller setting, Age UK Barnsley with the Area Council’s social isolation and dementia initiative, Remedi, Yorkshire In Bloom and Social Prescribing.
- The Community Farm has been approved as a safe place for Looked After Children to be able to see their parents and support workers.
- At a recent jointly organised Gala at the new site, the residents felt that the Community Farm would be more easily accessible and were very happy that the historic buildings in Grimethorpe were going to be reused for the benefit of the community. Seven new volunteers have offered to help with the relocation.

3.4 As previously stated, the school has converted to an Academy, and following conversion, it is now part of the Hoyland Common Academy Trust (HCAT), which is a Multi Academy Trust. The Trust have however, stated that they do not want the farm to remain on the school site indefinitely, and as a result of the conversion process, HCAT granted the Council an underlease of the farm area, including the former caretaker’s bungalow for a limited amount of time. This underlease started at the commencement of the academy lease and is for a period of 24-months

3.5 If GCF are unable to find an alternative site within the time available, then it’s foreseen that they would have to close down and in doing so they would need to relocate the animals.

3.6 However, the Community Farm are being supported by the North East Area Council Team and have an in-principal agreement with the Coal Industry Social Welfare Organisation (CISWO) and Bruce Dyer from Love Life UK for a lease at the Grimethorpe Welfare grounds. This is a larger site in the centre of the village of Grimethorpe and will be run as a mutually supportive community venue for both the Community Farm and Love Life UK community groups. GCF require planning permission in order to complete the lease. A representation of the site has been prepared and a planning application is due to be submitted shortly.

3.7 In any event and regardless of which route is followed, the costs associated with removing the farm infrastructure, any maintenance or renovation work required at the former caretaker’s bungalow and making good and providing topsoil and grass seed etc., will fall to the Council as lessee under the terms of the two-year lease. As a result, the Council should seek to minimise costs in this respect as far as possible.

4. Proposal and Justification

4.1 Given that the school has converted to an academy and that HCAT do not wish to see the farm remain in its current location beyond the two-year term of the underlease, then the only options open to the Council, and, of course, the Community Farm, are: -

- 4.1.1 to relocate to a suitable alternative site; be it Council owned or otherwise or
- 4.1.2 to close down after having re-housed the animals in suitable new locations.

- 4.2 In addition, and if GCF were looking to relocate to an alternative piece of Council owned land, then they would have to provide a suitable Business Plan, the new site would most probably require planning permission for the proposed use, and this matter would be the subject of a further Cabinet report, to seek and obtain authority to grant a lease of the land in question.
- 4.3 However, as a result of the proposal to relocate to the Grimethorpe Welfare Grounds an alternative Council owned site may no longer be required.
- 4.4 HCAT have no plans to integrate the Community Farm into the curriculum following their conversion.
- 4.5 At present the Council continues to support GCF indirectly in terms of continuing to pay the bills for the outgoings in relation to the bungalow and water and this will carry on for the two-year term of the underlease. The Council will look to recoup these costs from GCF.
- 4.6 When the two-year underlease comes to an end, the Council will have a liability to reinstate the land and possibly to make good any damage to the bungalow. This has been outlined in the “Financial Implications” section below.
- 4.7 Having said this, the Council has sought to mitigate its losses by agreeing a schedule of condition for the former caretaker’s bungalow, as well as agreeing a schedule of works for the removal of the farm and the reinstatement of the land, which have been based on indicative costings provided by Barnsley Property Services (BPS - previously NPS Barnsley).

5. Consideration of Alternative Approaches

- 5.1 Given the position of the Academy, there is no alternative approach which would see the farm remaining in its current location beyond the two-year underlease. The Council only has a 2-year term for the underlease, which means that GCF must consider relocation or closure within this relatively short time scale.
- 5.2 The Council and ultimately GCF only have until 30 June 2023 to remain in the current location. The Council will work with GCF as far as possible to find an alternative location for the farm, but the farm will have to be relocated or closed and the animals rehoused prior to the end of the 2-year underlease. Failure to act in good time will come with potentially serious legal consequences as the Academy will have a right of action to evict the Council (and GCF).

6. Impact on Local People

- 6.1 The closure of the farm will have a significant impact on local people as GCF is supported by members of the community and local businesses as their community hub.

7. Financial Implications

- 7.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).

- 7.2 This report seeks to inform Cabinet of the relocation of the Grimethorpe Community Farm (GCF) from Milefield Primary School to a more suitable location, following the conversion of the school to an Academy.

Revenue Account

- 7.3 There is currently a 2-year underlease from the Academy to the Council in respect of the land that the community farm sits on which was entered into to give planning time for a more suitable location to be sought. In terms of this underlease, there will not be any rent payable.
- 7.4 The Council will continue to pay for the outgoings such as utility costs, and other general maintenance costs in respect of the operation of the farm, which the Council will recoup from GCF. This process reflects the continuation of the arrangement prior to the school conversion.

Capital Expenditure

- 7.5 Upon the expiry of the underlease i.e., 2023/24, the Council is committed to funding the costs associated with the removal of the farm from the school grounds, as well as the costs associated with returning the land back to its former use, which includes landscaping / amenity space. The estimated cost of doing this work, which has been considered by BPS (previously NPS Barnsley) is £0.044M. A breakdown of these costings can be seen in the table below:

ELEMENT	£
Farmyard – Removal of Structures/Outbuildings	£1,825.00
Farmyard – Removal of Fencing and Gates	£2,670.71
Paddock – Removal of Structures/Outbuildings	£250.00
Paddock – Removal of fencing and Gates	£706.96
Farmyard - Landscaping	£20,700.35
Paddock - Landscaping	£10,977.75
Preliminaries – 12%	£4,455.69
General Contingency – 5%	£2,391.22
TOTAL	£43,977.68

- 7.6 It should be noted that some of the anticipated costs listed above may potentially not become payable, should GCF relocate and decant some of their possessions with them, for example, any reusable structures or fencing etc. It should be noted therefore, that the £0.044M represents the worst-case scenario and that all of these costs could fall to the Council as tenant.

Capital Funding

- 7.7 It is proposed that the estimated £0.044M capital expenditure is to be funded from the Council's uncommitted school's maintenance programme via the grant received from the Department for Education. Should the costs of the proposal be less than expected, then the surplus resources will be considered against the school's maintenance priorities.
- 7.8 The financial implications to this report are summarised in the attached Appendix A.

8. Employee Implications

8.1 There are no issues arising as a result of this report.

9. Communications Implications

9.1 The Communication and Marketing team are aware of GCF's relocation and will work with stakeholders to make sure messages and media interest is monitored and coordinated.

9.2 The Communications and Marketing team have worked with the North East Area team to support GCF with communications since their launch.

9.3 Communications and Marketing will support information around GCF's relocation and re-launch to support their efforts in community wellbeing and education in the North East Area.

10. Consultations

10.1 A list of stakeholders consulted during the preparation of this report includes: Property, Legal, Finance and Ward Alliance

10.2 Local Ward Members are aware of these proposals.

11. The Corporate Plan and The Council's Performance Management Framework

11.1 There are no issues arising as a result of this report.

12. Promoting Equality and Diversity and Social Inclusion

12.1 While the relocation of GCF is unavoidable, it may have an adverse effect on social inclusion which it currently supports and makes provision for.

13. Tackling the Impact of Poverty

13.1 While the relocation of GCF is unavoidable, it may have an adverse effect on poverty remediation which it currently supports and makes provision for.

14. Tackling Health Inequalities

14.1 While the relocation of GCF is unavoidable, it may have an adverse effect on health equality which it currently supports and makes provision for.

15. Reduction of Crime and Disorder

15.1 In investigating the options set out in this report, the Council's duties under Section 17 of the Crime and Disorder Act 1998 have been considered.

16. Risk Management Issues

- 16.1 A risk is that GCF is unable to relocate and therefore must close. If closure was the result, it is intended that this will be handled as sensitively and sympathetically as possible.
- 16.2 All of the financial risk in removing the farm and reinstating the land will rest with the Council and/or GCF.
- 16.3 There is still a risk that the costs associated with removing the farm from the school grounds will be higher than the estimate that has been provided by BPS (previously NPS Barnsley). Therefore, care will have to be exercised to try and ensure that these costs do not spiral out of control.
- 16.4 There is a serious reputational risk for the Council as well as the risk of legal action against the Council if the farm is not relocated or closed prior to the end of the 2-year underlease.
- 16.5 To mitigate the risk, it is suggested that the Council impose a realistic earlier deadline on GCF for any relocation proposal to be finalised, namely 31st January 2023, allowing for all the practicalities of relocation over the following six months and if this deadline is not met then the option of relocation should be withdrawn and GCF and the Council will need to put in place a timetable for ending public access removal of the animals and then final closure.

17. Health, Safety and Emergency Resilience Issues

- 17.1 There are no direct health and safety implications arising from this report.

18. Compatibility with European Convention on Human Rights

- 18.1 This report recognises the promotion and importance of equality, diversity, and human rights for all members of the local community and the wider Borough.

19. Conservation of Biodiversity

- 19.1 There are no direct issues arising as a result of this report and any biodiversity issues will be considered as part of the planning application process, should the farm look to relocating.

20. Glossary

- 20.1 GCF – Grimethorpe Community Farm.
- 20.2 CISWO - the Coal Industry Social Welfare Organisation
- 20.2 HCAT – Hoyland Common Academy Trust
- 20.3 BPS – Barnsley Property Services

21. List of Appendices

- 21.1 Appendix A – Financial Implications.
- 21.2 Appendix B – Site Plans

22. Background Papers

22.1 Correspondence regarding this matter is held on the files in Property – Estates – not available for inspection contains exempt information.

If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made.

Report author: Peter Antcliff (14 January 2022)