

CHILDREN & YOUNG PEOPLE CABINET MEMBER MEETING

Agenda Item 11

Brighton & Hove City Council

Subject:	Proposed Expansions of Primary Schools Final Decision		
Date of Meeting:	12th July 2010		
Report of:	Director of Children's Services		
Contact Officer:	Name:	Gillian Churchill	Tel: 29-3515
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Key Decision:	Yes	Forward Plan No. CYP 16439	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To inform members of the outcome of the statutory consultation on the proposed permanent expansions of Goldstone Primary and Westdene Primary Schools by one form of entry and Queens Park Primary School by half a form of entry from September 2011.
- 1.2 To provide the Cabinet Member with sufficient information to be able to determine the proposal.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member confirms the statutory notice and resolves to permanently expand Goldstone Primary School by one form of entry from September 2011 subject to the grant of planning permission under Part 3 of the Town and Country Planning Act 1990. This condition must be met by September 1st 2010.
- 2.2 That the Cabinet Member confirms the statutory notice and resolves to permanently expand Westdene Primary School by one form of entry from September 2011 subject to the grant of planning permission under Part 3 of the Town and Country Planning Act 1990. This condition must be met by September 1st 2010.
- 2.3 That the Cabinet Member confirms the statutory notice and resolves to permanently expand Queens Park Primary School by half a form of entry from September 2011 subject to the grant of planning permission under Part 3 of the Town and Country Planning Act 1990. This condition must be met by December 1st 2010.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Brighton & Hove City Council has a legal requirement to provide sufficient school places for all school age children in the city. School places should be provided in such a way that parents and pupils can access a local school wherever possible.
- 3.2 Over recent years there has been a considerable increase in the number of children growing up in the city. Pupil numbers across the city are rising generally and the rise in south central Hove is greater than the city generally and already causing a pressure on school places that cannot be met locally.
- 3.3 The proposal is to now permanently expand Goldstone Primary School and Westdene Primary School by one form of entry each and Queens Park Primary by half a form of entry by September 2011.
- 3.4 To support the proposed expansions of the schools there will be extensions of each of the school premises that will be funded by a combination of the Basic Need Safety Valve Funding, Primary Capital Programme funding, the schools Devolved Formula Capital and other council capital funding. The extensions will provide additional classrooms to accommodate the extra pupils. There will also be some internal remodelling and refurbishment to each school to provide accommodation that will better fit the needs of current teaching and learning and the delivery of a broad and balanced curriculum.
- 3.8 At the Cabinet Member meeting held on 26th April 2010 it was agreed to publish statutory notices required to progress these proposals.
- 3.10 The notice was published in accordance with the requirements of the Education and Inspections Act 2006 on 10th May 2010. Copies of the full proposal were made available to any person or body that requested one.

4. CONSULTATION

- 4.1 Consultation on the expansion of the community school must follow the processes set out in section 19 (1) of the Education and Inspections Act 2006 (EIA 2006) and the statutory guidance issued by the DCSF. Section 16(2) of the Act provides that before publishing any proposals for expanding a community school, the Council must have consulted 'such persons as appear to them to be appropriate'. This consultation was carried out between January 2010 and April 2010 for each of the proposals.
- 4.2 The Children and Young People Cabinet Member authorised the Director of Children's Services to proceed to publish the required statutory notices for the expansion Goldstone and Westdene Primary schools by one form of entry from September 2011 respectively at the Cabinet Member Meeting held on April 26th 2010. The subsequent 4 week representation period was the final opportunity for people and organisations to express their views about the proposals.
- 4.3 Statutory notices were published in the local newspaper on 10th May 2010. In addition notices were displayed at the entrances to the schools and at other

places used by the communities. The Statutory notices stated where copies of the full proposals could be obtained from.

4.4 The Statutory notice forms part of the full proposal. Copies of each of the full proposal were sent to the Anglican and Catholic diocese, the governing body of the relevant school, the Children and Young People Cabinet Member, ward councillors, the local MP and the DCSF. Copies of the complete proposals have to be made available to anyone who requests a copy during the publication periods.

4.5 **Goldstone Primary School**

4.6 There was 1 request received for a copy of the full proposal during the publication period. A copy of the full proposal information is in the Members room.

4.7 There were no representations or objections received during the publication period.

4.8 **Queens Park Primary School**

4.9 There were 2 requests received for a copy of the full proposal during the publication period. One from an individual living adjacent to the school and one from the Diocese of Arundel and Chichester.

4.10 A copy of the full proposal information is in the Members room.

4.11 There were 27 representations / objections received during the publication period. Of these 9 supported the proposal and 18 were against the proposal (2 people submitted 2 objection letters each meaning that there were objections from 16 different individuals).

4.12 The main reasons given for opposing the proposals were that the resulting extension would impact on the amenity of the residents living immediately adjacent to the proposed extension. This matter is more properly addressed as part of the development control process. It is worth noting that there have been a number of meetings held with local residents on the subject of the design and we have taken a number of their concerns on board in the design development process.

4.13 Copies of the representations received are in the Members rooms.

4.14 **Westdene Primary School**

4.15 There were no requests received for a copy of the full proposal during the publication period. A copy of the full proposal information is in the Members room.

4.16 There were no representations or objections received during the publication period.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

The capital costs of the proposals would need to be funded from existing resources such as the Basic Need Safety Valve Funding, Primary Capital Programme, NDS modernisation and a contribution from the schools Devolved Formula Capital. Provision has been made for £7.67m in 2010/11 for the 3 schools and is included in the Capital Programme 2010/11 to CYP Cabinet Member Report dated 26th April 2010 (subject to approval). However, the total estimated capital costs are yet to be quantified and the overall funding will be identified in due course.

- 5.1.2 In respect of revenue costs, schools will be funded for additional pupil numbers and any potential increases in floor area through their budget share. The overall Dedicated Schools Grant (DSG) and Individual Schools Budget (ISB) will increase as a result of additional pupils coming into the Authority. If no additional pupils come into the Authority as a consequence of the expansion of the schools, the extra funding due to individual schools will be provided via the existing DSG and ISB

Finance Officer Consulted: Michelle Herrington

Date 14/06/2010

5.2 Legal Implications:

- 5.2.1 Statutory Notices were published on 10th May 2010 in accordance with Section 19(1) of the Education and Inspections Act 2006 and the accompanying School Organisation Regulations (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended). The statutory four week period for representations to be made followed. The closing date for receipt of representations or objections was 7th June 2010.
- 5.2.2 Decisions on expansions of community schools are taken by the LA with some rights of appeal to the schools adjudicator. In this instance the Children and Young People Cabinet Member will act as the Decision Maker for the Local Authority.
- 5.2.3 The DCSF does not prescribe the process by which an LA carries out their decision-making function but the LA is required to have due regard to statutory guidance published by the DCSF. A full copy of the DCSF guidance 'Expanding a Maintained Mainstream School by Enlargement or adding a Sixth Form' is in the Members Room. Paragraphs 4.16 to 4.73 of the Guidance set out the factors which must be considered by Decision Makers when determining a statutory proposal.
- 5.2.4 In addition the DCSF provides that there are 4 key issues which the Decision Maker should consider before judging the respective factors and merits of the statutory proposals;
- a. Is any information missing? If so, the Decision Maker should write immediately to the proposer/promoter specifying a date by which the information must be provided;

- b. Does the published notice comply with statutory requirements?
The Decision Maker should consider whether the notice is valid as soon as a copy is received. Where a published notice does not comply with statutory requirements it may be judged invalid and the Decision Maker should consider whether they can decide the proposals
- c. Has the statutory consultation been carried out prior to the publication of the notice?
Details of the consultation should be included in the proposals. The Decision Maker should be satisfied that the consultation meets statutory requirements. If some parties submit objections on the basis that consultation was not adequate, the Decision Maker may wish to take legal advice on the points raised. If the requirements have not yet been met, the Decision Maker may judge the proposals to be invalid and should consider whether they can decide the proposals. Alternatively the Decision Maker may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposals as a whole
- d. Are the proposals linked or related to other published proposals?
This is not the case for the proposals relating to this expansion.

- 5.2.5 In considering proposals for the expansion of a school, the Decision Maker can decide to
- reject the proposals
 - approve the proposals
 - approve the proposals with a modification
 - approve the proposals subject to them meeting a specific condition

The regulations provide for a conditional approval to be given where the Decision Maker is otherwise satisfied that the proposals can be approved, and approval can automatically follow an outstanding event. Conditional approval can only be granted in the limited circumstances specified in the regulations. In this instance planning consent has yet to be secured for the three proposed extensions. Consequently the decision being sought is that the proposals are approved subject to the grant of planning permission under Part 3 of the Town and Country Planning Act 1990. This condition must be met by September 1st 2010 in respect of the Goldstone and Westdene proposals and December 1st 2010 in respect of the Queens Park proposal.

- 5.2.7 All decisions must give reasons for the decision, irrespective of whether the proposals were rejected or approved, indicating the main factors/criteria for the decision. Section 7 of this report gives the reasons for the decision based on the legislative framework within which the decision must be decided.

Layer Consulted: Serena Kynaston

Date: 14/06/2010

Equalities Implications:

- 5.3 Planning and provision of school places is conducted in such a way as to avoid potentially discriminatory admissions priorities or planning processes. The city council and voluntary aided school governing bodies must be mindful of bad practice as described in the Admission Code of Practice

Sustainability Implications:

- 5.4 Planning and provision of school places are intended, so far as it is possible, to provide pupils, parents and carers with local places where they have asked for them. This is subject to limitations in school capacity, the funding available and the priority order for capital development determined by the Council

Crime & Disorder Implications:

- 5.5 There are no implications for the prevention of crime and disorder arising from this report.

Risk and Opportunity Management Implications:

- 5.6 There are no risk issues in terms of resources or risks to children as a result of this proposal

Corporate / Citywide Implications:

- 5.7 All planning and provision to for school places in the city should be operating on the basis of admission limits and admission priorities which have been the subject of broad consultation. The effective coordination of planning arrangements should lead to sufficient school places in all areas of the city and the removal of excess provision.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The alternative option would be to leave Goldstone Primary and Westdene Primary Schools as 2 form entry schools and Queens Park primary as a one and a half form entry School.
- 6.2 This is not considered as acceptable since it will not address the statutory requirement to provide local school places where they are needed within the city.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 Over the last few years there has been year on year growth in the number of pre-school age children registered with General Practice (GP) Surgeries in the city. This increase exists city wide but is most acute in Hove. It is anticipated that this situation is going to continue. Information on GP registration data shows that the number of children registered in the city is continuing to rise although the rate of the rise is slowing down.
- 7.2 The Council has a statutory duty to provide a maintained school place for any child that wants one. We are committed to working with schools to make them centres for community learning, and supporting them in meeting the wider needs of the community by engaging social services, health, the police, and the

voluntary sector. For this to be successful it is important that children can access a primary school that is local to their home.

- 7.3 Expanding these schools will ensure that more families can access their local school. This means that children will be able to attend school with friends that they have made prior to starting school, parents will not have to travel long distances to deliver their children to school and extended services offered by the schools can be tailored to meet the needs of the whole community.
- 7.4 The schools are covered by the Councils admissions arrangements which strives to provide truly local schools which serves its most immediate community and assists in the aspirations of the Local Authority in terms of green travel arrangements.
- 7.6 The capital costs of the proposals will be funded from existing resources such as the Basic Need Safety Valve Funding, Primary Capital Programme, NDS modernisation and a contribution from the schools Devolved Formula Capital. Schemes have been designed for each school that will enable the school to accommodate the additional pupils and also provide enhancements to disability access, pupil safety and school catering arrangements. In the case of Queens Park Primary School the proposal also includes additional space for extended services.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents In Members' Rooms

1. Copy of the full proposal information
2. DCSF Guidance document 'Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form'
3. Copies of the representations / objections received in response to the publication of the statutory notices

Background Documents

1. None

