

Subject:	Proposed Expansion of Saltdean Primary School to three forms of entry from September 2015: responses to the statutory notice		
Date of Meeting:	13 October 2014		
Report of:	Executive Director of Children's Services		
Contact Officer:	Name:	Michael Nix	Tel: 29-0732
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Ward(s) affected:	Rottingdean Central		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 Pupil number forecasts for the city show there is a current need for additional primary school places in Saltdean in order that more children are able to attend a good or outstanding local school near where they live.
- 1.2 The purpose of this report is to report the representations and objections received during the statutory notice period, and to seek a final decision of the Committee on the proposed expansion of Saltdean Primary School.

2. RECOMMENDATIONS:

- 2.1 That the Children and Young People Committee confirm the proposal contained in the statutory notice and agree the expansion of Saltdean Primary School to three forms of entry from September 2015, subject to planning consent and the Secretary of State's consent for change of use being obtained by 28 February 2015

CONTEXT/ BACKGROUND INFORMATION

- 3.1 The purpose of this report is to inform the Committee of the outcomes of the Statutory Notice process in respect of the proposed expansion of Saltdean Primary School to three forms of entry from September 2015 and to recommend that the Committee now approve this proposal. The reasons for the proposal and the outcomes of informal consultation during the Summer Term 2014 were described in a report to the Committee's meeting on 21 July 2014.
- 3.2 The Statutory Notice (Appendix 1) was published on 1 September 2014 and the closing date for receipt of any representations was 28 September 2014. The full proposal information was available on the Council's web site and in hard copy by request.
- 3.3 There were no requests received for the full proposal information during the Notice Period and no comments on or objections to the proposal were received.
- 3.4 In order for the proposal to be implemented, planning consent must be secured for the required additional accommodation. Designs for this work developed in consultation with the school and with planning officers are well advanced. The project will provide seven additional classrooms and other improvements required for the larger school. It will also provide the benefit of linking together the infant and junior parts of the school. The estimated cost of the capital redevelopment is £2.7m.
- 3.5 In addition, as the building encroaches on some outdoor space – but not playing field space – consent must be secured from the Secretary of State for change of use. An application has been submitted and discussed with Department for Education officials.
- 3.6 Capital funding for the extension resulting from this proposal was agreed at the meeting of the Children and Young People Committee on 10 March 2014 and Policy and Resources Committee on 20 March 2014. At that time the project was referred to as 'An additional primary form of entry for Brighton from September 2015' since the proposal was at a very early stage in its development.
- 3.6 To meet the timetable for providing these places by September 2015 work needs to progress as soon as possible after completion of the statutory processes. It is intended that the work for this project will be undertaken using the Council's Strategic Partnership Contract. This contract has been used very successfully over the last 5 years to deliver education projects on time and on budget even when the timescales available are very tight.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Alternative options were set out in the report to the Committee on 21 July. These included a new one form entry school and allocating some children to spare places in other schools much further away. At its most recent Ofsted inspection Saltdean Primary School was judged to be good and it is popular with local parents. There are therefore strong and valid educational reasons for expanding

this school rather than to pursue other options. The Committee accepted the reasons for the preferred option of expanding Saltdean Primary School.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Any proposal to enlarge premises of community schools must follow the processes set out in section 19 (1) of the Education and Inspections Act 2006 (EIA 2006) as amended. There is no longer a statutory requirement to carry out a consultation prior to publication of proposals. Recent Guidance from the DfE (January 2014) provides however that 'there is a strong expectation on LA's to consult interested parties in developing their proposal prior to publication'. Accordingly a public consultation was carried out during May and June 2014 and reported to the Committee at the meeting on 21 July 2014.
- 5.2 The required Statutory Notice period, including the provision of full proposal information has been completed.

6. CONCLUSION

- 6.1 Providing additional places at Saltdean primary School is the best means of ensuring that children in the Saltdean community can attend a local school. There has been widespread support for the proposal locally and no objections have been received in the statutory notice period. Funding has been identified in the Council's capital programme for the necessary additional accommodation.
- 6.2 It is therefore recommended that the proposal be approved, subject to the necessary consents being obtained.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The expansion of the building at a cost of £2.7m has been identified in the Children's Services Capital budget in 2014/15 & 2015/16.
- 7.2 The school is funded through the Dedicated Schools Grant (DSG) and is mainly funded on pupil numbers; the school will receive funding to support the growth in pupil numbers in the school until it is established as a three form entry school in 2020.

Finance Officer Consulted: Andy Moore

Date: 01/10/14

Legal Implications:

[The Education and Inspections Act 2006, as amended, provides that the Local Authority is the decision maker on any proposals to expand a community school. The Children and Young People Committee will act as decision maker for the Local Authority on these proposals. The decision must be made within a period of two months of the end of the representation period.

The exact process by which a decision maker carries out their decision making process is not prescribed however it must have regard to the statutory 'Decision-

makers Guidance' published by the DfE in January 2014. A full copy of this Guidance is available in the Members Room.

The Guidance provides that the decision-maker will need to be satisfied that the appropriate representation period has been carried out and that the proposer has had regard to the responses received. The decision maker must consider all the views submitted, including all support for, objections to and comments on the proposal.

In assessing the demand for school places the decision-maker should consider:

- (i) the evidence presented for any projected increase in the school population,
- (ii) any new provision opening in the area,
- (iii) the quality and popularity of schools in which spare capacity exists
- (iv) any evidence of parents' aspirations for places in the school proposed for expansion.

The Guidance states that the existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places.

In issuing a decision, the decision-maker can;

- reject the proposal
- approve the proposal without modification
- approve the proposal with modifications, having consulted the governing body
- approve the proposal - with or without modification - subject to certain prescribed conditions (such as the granting of planning permission) being met

The prescribed conditions are listed in paragraph 8 of Schedule 3 of the School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2013. Paragraphs 3.4 and 3.5 of the main report refer to two conditions which must be met in order for the proposal to be implemented, namely the need for planning permission and the need to obtain the consent of the Secretary of State to the change of use of some of the outdoor space. Both of these conditions would be regarded as prescribed conditions under the 2013 Regulations.

Paragraph 8(1)(a) of Schedule 3 provides that the grant of planning permission under the Town and Country Planning Act 1990 is deemed to be a prescribed event, and paragraph 8(1)(e) of the same Schedule provides that the entering into an agreement with the Secretary of State for any necessary building project would similarly be a prescribed event.

If conditional approval is given then the decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the date will be met later than originally thought.

Lawyer Consulted:

Serena Kynaston

Date: 03/10/2014

Equalities Implications:

- 7.3 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 as admissions authority must be mindful of best practice as described in the statutory School Admissions Code.

Sustainability Implications:

- 7.4 All new school buildings for Brighton and Hove schools follow wherever possible environmental and sustainable principles such as higher than minimum insulation levels, the use of efficient gas condensing boilers, under floor heating, solar shading and natural ventilation. Materials are sourced from sustainable sources wherever possible. It is expected that this project will also benefit from funding in the capital programme for the provision of solar panels.

SUPPORTING DOCUMENTATION

Appendices:

1. Statutory Notice for the proposed expansion of Saltdean Primary School, published 1 September 2014

Documents in Members' Rooms

1. Decision Maker's Guidance, Department for Education, January 2014

Background Documents

1. Full proposal information for the proposed expansion of Saltdean Primary School