

**11 February 2013****Agenda Item: 5****REPORT OF THE SERVICE DIRECTOR, EDUCATION STANDARDS AND  
INCLUSION****SCHOOLS WITH AN INCREASE IN SCHOOL PLACES OF 25% OR MORE:  
OUTCOME OF PUBLISHED STATUTORY NOTICES****Purpose of the Report**

1. This report provides Committee with the outcomes of published Section 19 Notices and seeks approval for the implementation of the following proposals with effect from 1 September 2013 to:-
  - expand Dalestorth Community Primary School in Sutton-in-Ashfield in newly built premises on its existing site, thereby increasing the school's net capacity by a further 105 permanent pupil places; consequently this will formally increase the school's Published Admission Number (PAN) from 30 to 45
  - expand Arnold Mill Community Primary School in Arnold in newly built premises on its existing site, thereby increasing the school's net capacity by a further 75 permanent pupil places; consequently this will formally increase the school's PAN from 40 to 45
  - expand St Peter's Church of England VA Primary School in Mansfield in newly built premises on its existing site, thereby increasing the school's net capacity by a further 105 permanent pupil places; consequently this will formally increase the school's PAN from 30 to 45
  - expand Holy Trinity Catholic VA Primary School in Newark in newly built premises on its existing site, thereby increasing the school's net capacity by a further 90 permanent pupil places; consequently this will formally increase the school's PAN from 30 to 45.

**Information and Advice**

2. Formal proposals were agreed by the Children & Young People's Committee at its meeting on 3 December 2012 and in accordance with the provisions of the Education and Inspections Act 2006, the County Council is required to publish Section 19 Notices. Appropriate separate Notices were subsequently published for each of the proposals as follows:-
  - on 5 December 2012 relating to the proposals affecting Dalestorth, Arnold Mill and St. Peter's CE Primary Schools

- on 6 December 2012 relating to the Holy Trinity Primary School proposal.

The respective Notices provided details of the proposals referred to in paragraph 1 above.

3. For expansion proposals there is a four week representation period following the publication of Notices during which objections and comments can be made. The Notices expired on 2 January and 3 January 2013 respectively and during their publication period no representations were received relating to the Dalestorth, Arnold Mill and Holy Trinity proposals.
4. A petition containing 119 signatures was received during the St. Peter's statutory notice representation period petitioning the County Council not to expand St. Peter's Church of England Primary School in Mansfield by 105 permanent pupil places in newly built premises on the school's existing site.
5. Also submitted with the above petition was a document that raises concerns and issues about the proposed expansion of St. Peter's Primary School. A copy of this document is available as a Background Paper. This document and the above mentioned petition have been submitted as an 'Open Letter'.
6. Account has been taken of all the concerns and issues raised within the above document. The County Council's response to this formal objection is attached as **Appendix 1**, which includes the wording of the original document submitted.
7. It is recommended that each of the proposals identified in paragraph 1 of this report should be implemented, subject to planning permission being granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992. This permission to be granted by 31 August 2013.
8. In endorsing the proposal to expand St. Peter's CE Primary School, it should be noted that despite the opposition of interested parties, the County Council has a statutory duty to increase available school places in the immediate locality of St. Peter's Primary where there is evidence that some families are travelling 2.7 miles to access an alternative school place. As this is above the statutory walking distance for children in Reception to Year 3, it reinforces the need to increase the availability of school places in the area around St. Peter's Primary.
9. The decision on the above proposals now falls to Committee to determine. It is a statutory requirement that this determination has to be made within two months of the expiry of the Notices' representation periods i.e. by 5 and 6 March 2013 respectively. Failure to meet this requirement would result in the proposals having to be referred to an independent Schools Adjudicator for a decision to be made.

### **Other Options Considered**

10. These options have been presented following careful analysis of place planning across Nottinghamshire and no other options can be considered at this time because the County Council retains a statutory responsibility to ensure sufficient school places for first admissions in September 2013.

## **Reasons for Recommendations**

11. The recommendations reflect the location of the projected demand for additional school places to be developed; the need to provide for families of more than one child; the need to maintain the high level of educational standards in each popular school; the ability to offer an increased number of faith based places in an educational environment; and the need to deliver permanent places within a defined and tight timeframe (for September 2013).

## **Statutory and Policy Implications**

12. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **Implications for Service Users**

13. Children and families will have access to, and an increased choice of, school education in their immediate locality.

## **Financial Implications**

14. The capital funding for these developments has already been secured from the Basic Need Programme. A report providing details of the latest estimated costs was considered and approved by the Finance and Property Committee on 17 December 2012.

## **Equalities Implications**

15. Children will be able to access school places locally. Any new build schemes will meet requirements for disabled access and special needs.
16. As part of the process of making decisions and changing policy, public authorities are required by law to think about the need to:
  - Eliminate unlawful discrimination, harassment and victimisation
  - Advance equality of opportunity between people who share protected characteristics (as defined by equalities legislation) and those who do not
  - Foster good relations between people who share protected characteristics and those who do not.
17. Equality Impact Assessments (EIAs) are a means by which a public authority can assess the potential impact that proposed decisions/changes to policy could have on the community and those with protected characteristics. They may also identify potential ways to reduce any impact that a decision / policy change could have. If it is not possible to reduce the impact, the EIA can explain why. Decision makers must understand the potential implications of their decisions on people with protected characteristics.
18. An EIA has been undertaken and is available as a background paper. Decision makers must give due regard to the implications for protected groups when considering this report.

## **Crime and Disorder Implications**

19. Appropriate consideration has been given to the Crime and Disorder Act 1998. It is the view of the County Council that these proposed expansions do not pose a significant risk to increasing criminal activity within the localities of the four schools.

## **Human Rights Implications**

20. Parental preference will continue to be facilitated.

## **Safeguarding of Children Implications**

21. The new build schemes will take account of safeguarding needs and requirements.

## **Human Resources Implications**

22. Appropriate levels of teaching staff will be appointed and funded from the increases to the schools' budgets triggered by the increased number of pupils, and the schools will use appropriate recruitment and selection procedures when making appointments.

## **Implications for Sustainability and the Environment**

23. Increasing the number of primary school places is demonstrated by sustainable demand. Any new build projects will require planning approval and will meet Building Regulations which reflect sustainability and environmental targets. By providing local school places, the need for travelling by car can be reduced.

## **RECOMMENDATIONS**

That:

- 1) Committee notes and considers the outcomes of the Section 19 Notices published under the provisions of the Education and Inspections Act 2006 concerning the proposals referred to in this report.
- 2) to ensure provision is available in 2013/14, Committee conditionally agrees to the implementation of the proposals with effect from 1 September 2013 to significantly increase:-
  - the number of pupil places at Dalestorth Primary School from 210 places to 315 places, and to raise the school's PAN from 30 to 45
  - the number of pupil places at Arnold Mill Primary School from 240 places to 315 places, and to raise the school's PAN from 40 to 45
  - the number of pupil places at St. Peter's CE Primary School from 210 places to 315 places, and to raise the school's PAN from 30 to 45

- the number of pupil places at Holy Trinity Catholic Primary School from 210 places to 300 places, and to raise the school's PAN from 30 to 45

subject to planning permission being granted under the provisions of Regulation 3 of the Town and Country Planning General Regulations 1992 by 31 August 2013.

**John Slater**  
**Service Director, Education Standards and Inclusion**  
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### **Constitutional Comments (LM 23/01/13)**

24. The Children and Young People's Committee has delegated authority within the Constitution to approve the recommendations in the report.

### **Financial Comments (KLA 23/01/13)**

25. The financial implications are set out in paragraph 14 of the report above.

### **Background Papers**

- 1) Schools with an Increase in School Places of 25% or More: Outcome of Statutory Consultation - report to Children and Young People's Committee on 3 December 2012 (published)
- 2) Latest Estimated Cost: Schools Basic Need Programme 2013 - report to Finance and Property Committee on 17 December 2012 (published)
- 3) The Complete Proposals referred to in the published Section 19 Notices
- 4) Equality Impact Assessment
- 5) Open letter dated 2 January 2013 (including petition and document raising concerns and issues) received during the St. Peter's CE Primary School's statutory notice representation period.

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

#### **Electoral Divisions and Members Affected**

Sutton-in-Ashfield North:	Councillor Jason Zadrozny
Arnold North:	Councillors Gerald Clarke and Carol Pepper
Mansfield East:	Councillors Bob Cross and Martin Wright
Newark West:	Councillor Keith Girling

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