

**3 December 2012****Agenda Item: 6****REPORT OF THE GROUP MANAGER, SUPPORT TO SCHOOLS SERVICE****SCHOOLS WITH AN INCREASE IN SCHOOL PLACES OF 25% OR MORE:  
OUTCOME OF STATUTORY CONSULTATION****Purpose of the Report**

1. This report provides Committee with the outcome of formal consultation on the following proposals that are intended to take effect from 1 September 2013:-
  - 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
  - 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
  - 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
  - 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.
2. It also seeks approval to publish statutory notices as required under the provisions of Section 19 of the Education and Inspections Act 2006 to formally expand each of the above schools' net capacity.

**Information and Advice**

3. Nottinghamshire, like many other local authorities, has experienced an increase in demand for school places, and it remains a statutory duty of a local authority to ensure sufficiency of places, to secure diversity of provision and to increase the opportunity for parental preference.
4. On 9 July 2012, Members of the Finance and Property Committee agreed to the recommendation of a report submitted by the Transport, Property and Environment Service Director concerning the County Council's 2013 Basic Needs (BN) programme.

The report's recommendation to meet this basic need, sought Committee approval for the design and construction work on individual projects under the BN programme as outlined in that report.

5. 'Basic Need' is defined as the shortfall of existing school places against the predicted pupil demand. Identified schools will increase their Published Admission Number and Net Capacity to meet increased demand across the County in September 2013.
6. As a consequence of the above BN programme, the schools referred to in paragraph 1 of this report were identified as requiring a significant increase to their physical net capacity of teaching accommodation.
7. In this respect, and in order for the County Council to progress with the above-mentioned expansion proposals, it is a legal requirement to publish a 'statutory notice' to significantly expand the physical capacity of a school. Under the provisions of current statutory regulations, a 'significant expansion' is deemed to be where a school's net capacity to accommodate pupils is permanently increased by 25% or more.
8. Prior to publishing its proposals, the County Council is also required to consult with local people about the principle of providing the required additional school places that are a statutory responsibility for the Council to meet existing and future parental demand.
9. It is anticipated that any legal requirements that would necessitate the approval of planning permission for the proposed additional school places identified in this report would be subject to a separate public consultation in due course.

## Consultation

10. Consultation leaflets concerning each separate proposal were circulated to all the staff, governors and parents/carers of pupils at the schools concerned to explain the rationale for the proposals, and to give them the opportunity to make any comments about what was being proposed.
11. Copies of the leaflets were also sent out to the wider community including residents adjoining the schools' sites where appropriate, other schools in the localities, the Members of Parliament and appropriate County Councillors, Diocesan Authorities, the local district councils, and other interested parties.
12. The consultation periods for each proposal ran from 24 September to 16 November 2012. The attached **Appendices 1-4** summarise the number of responses received and the various comments, issues and concerns that were raised and expressed.
13. Separate meetings were held at Arnold Mill Primary and Holy Trinity Primary (8 October), Dalestorth Primary (9 October) and St. Peter's Primary (10 October) to give all respective interested parties the opportunity to discuss the proposals being consulted on.
14. The Governing Bodies of each school were also consulted at meetings held at the schools concerned during the consultation period and were also supportive of the respective proposal affecting their school.

15. Where appropriate, School Councils were consulted and were supportive of the proposal affecting their respective school.
16. In summary, the main issues arising from respondents opposing the expansion proposals are:-
  - the potential detrimental effects of providing more pupil places when existing educational resources and facilities at each school are allegedly fully utilised already
  - serious concerns about the potential increase in traffic flow and associated parking implications
  - the possible disruption to pupils' education and the potential health and safety implications during any building work on the school sites
  - the receipt of a petition containing 73 signatures 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.
17. The main comments in support of the proposals can be summarised as:-
  - additional school places are necessary and urgently required in order to address need and increase the opportunity for parental preference
  - the County Council has fully engaged with local schools about the need to create more primary places
  - there is support from the respective Dioceses concerning the proposals to provide additional faith based school places as referred to in this report
  - there is a duty for the County Council to secure sufficient school places for all children of statutory school age, whose parents want them to be educated in a state-funded school.
18. Account has been taken of all the comments received concerning each of the proposals referred to in this report.
19. It is recommended that each of the proposals identified in paragraph 1 of this report should be accepted. In endorsing the proposal to expand by more than 25% as identified in this report, it should be noted however that:
  - there is broad consensus and support for the proposed expansions of Dalestorth Primary, Arnold Mill Primary and Holy Trinity Primary schools
  - the consultation feedback regarding the proposed expansion of St. Peter's CE Primary suggests parental/carers opposition which is confirmed by the additional receipt of a separate petition
  - despite the opposition of parents/carers at St. Peter's Primary, 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.
20. All written responses received either by the reply form provided, via the County Council's website or by electronic mail, are available as a background paper to this report.

## **Statutory Notice**

21. As the proposed expansions on the schools' existing sites will increase places at each school by more than 25%, it is deemed a significant increase in school size.
22. Following formal consultation by the County Council, each of the above proposals would require the publication of a statutory notice under the provisions of Section 19 of the Education and Inspections Act 2006.
23. The respective notices will be published locally in the press, and will be displayed at each school site, local public library and other appropriate places. They will stand for four weeks during which time comments and objections to the proposals will be invited in writing.
24. The outcome of the notices will be reported to Committee who will determine the proposals, including taking into account any statutory comments or objections that may be received during the notices' representation period.

## **Other Options Considered**

25. 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**

26. 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**

27. 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**

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

## **Financial Implications**

29. The capital funding for these developments has already been secured from the Basic Need Programme. There are no direct financial implications arising from this report. Should a subsequent report seek permission to formally implement the expansion proposals referred to in this report, that report will include a reference to financial implications.

### **Equalities Implications**

30. Children will be able to access school places locally. Any new build schemes will meet requirements for disabled access and special needs.
31. 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
32. 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.
33. Prior to requesting any formal approval for the implementation of the proposals referred to in this report, consideration will be given to undertaking EIAs in due course. Decision makers must give due regard to the implications for protected groups when considering this report.

### **Human Rights Implications**

34. Parental preference will continue to be facilitated.

### **Safeguarding of Children Implications**

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

### **Human Resources Implications**

36. 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**

37. 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 outcome of formal consultation with staff, governors, pupils, parents/carers, local communities and other interested parties about the proposals referred to in paragraph 1 of this report.
- 2) to ensure provision is available in 2013/14, Committee agrees to the publication of a Statutory Notice, under the provisions of Section 19 of the Education and Inspections Act 2006, for the proposals to significantly increase:-
  - the number of pupil places at Dalestorth Primary School from 210 places to 315 places
  - the number of pupil places at Arnold Mill Primary School from 240 places to 315 places
  - the number of pupil places at St. Peter's CE Primary School from 210 places to 315 places
  - the number of pupil places at Holy Trinity Catholic Primary School from 210 places to 300 places
- 3) a further report be submitted to the Committee on the outcome of the four week representation period of the County Council's published Section 19 notices.

**Marion Clay**

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**For any enquiries about this report please contact:**

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### **Constitutional Comments (LM 12/11/12)**

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

### **Financial Comments (NDR 12/11/12)**

39. There are no financial implications arising directly from this report.

### **Background Papers**

- 1) 2013 Basic Needs Programme - report to Finance and Property Committee on 9 July 2012 (previously published)
- 2) The respective consultation leaflets circulated to staff, governors and parents/carers of the schools proposed for expansion, statutory consultees and other interested parties
- 3) Written responses received during the formal consultation 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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