

# KENT COUNTY COUNCIL - RECORD OF DECISION

## DECISION TAKEN BY

Mike Whiting Cabinet Member for Education, Learning and Skills

## DECISION NO.

12-02021

Unrestricted

### URGENT DECISION.

This decision is being taken in accordance with statutory and local procedures for urgency for reasons set out below.

**Subject: Expansion of Maypole Primary School, Dartford**

### Decision:

I hereby agree to

- i) to issue a public notice to expand Maypole Primary School; Dartford and

Subject to no statutory objections to the public notice being received. I hereby agree to:

- ii) ALLOCATE the capital funds to enable the expansion of Maypole Primary School to proceed.
- iii) AUTHORISE the Director of Property and Infrastructure Support in consultation with the Director of Law and Governance to enter into any necessary contracts/ agreements on behalf of the County Council
- (iii) AUTHORISE the Director of Property and Infrastructure Support to be the nominated Authority Representative within the relevant agreements and to enter into variations as envisaged under the contracts.

**Any Interest Declared when the Decision was Taken: None**

### Reason(s) for decision, including alternatives considered and any additional information

The Commissioning Plan for Education provision identified a pressure for places in this locality and a potential shortfall of places for 2013/14. An expansion of Maypole Primary School will help to address these pressures whilst adhering to the principles within the commissioning plan to expand those schools which are successful and have high demand.

A consultation has been conducted regarding the proposed expansion to Maypole Primary School, Dartford. It is proposed to enlarge Maypole Primary School by 30 reception year places taking their PAN to 60 (2FE) for the September 2013 intake. Successive reception year intakes will offer 60 places each year and the school will eventually have a total capacity of 420 pupils. The Public Consultation took place Monday 3 December 2012 and Monday 28 January 2013. A public meeting was held on 5 December 2012 and the Cabinet member has had regard to the responses received.

### Issues and Risks

If this decision were not taken, significant delay would be caused to the proper provision of school places in time for the September 2013 intake.

### Urgency

If the public notice is not issued immediately there will be insufficient time to procure and deliver the works, leading to a deficit in local school places in September 2013. There would be a negative

impact on the implementation of the project and necessary building works would be delayed with the real possibility of the school not being expanded in time. The County could fail to meet its statutory obligations to provide school places, and would incur significant reputational risk.

KCC has a statutory duty to provide adequate school place provision and if the urgent decision is not taken the only alternative to mitigate this would be to enter into building contracts and begin works prior to the end of the statutory notice period. This would put the Council at risk of Judicial Review which has the potential to prevent the build entirely and could lead to a significant local complaints and dissatisfaction that agreed consultation processes have not been adhered to.

As there are a limited number of Cabinet Committee meetings and there are over 40 school expansions which require approvals, all with complex timetables including statutory consultations, and procurement regulations, the process has been a difficult one to co-ordinate. In future commissioning plans will be produced earlier to ensure that these processes can be taken into account, and ELS and P&IS will work together with Legal and Democratic Services to look at how approaches to governance and procurement might be streamlined in future.

In accordance with the urgency procedures required by statute and set out in the Council's Constitution the Chairman of the Scrutiny Committee, and other required consultees agreed that the decision should be taken as urgent and cannot reasonably be deferred until the Cabinet Committee in order to follow KCC's normal governance procedures. In addition to agreeing the urgency of the decision, comments were also requested from those contacted and these are included within the report to the Cabinet member for his consideration on taking the decision.

Senior Managers Rebecca Spore, Director of Property and Infrastructure Support and Patrick Leeson, Corporate Director of Education learning and Skills also agreed that this was the case.

**Any Alternatives Considered:**

Alternatives were considered fully as part of the Commissioning Plan and the conclusion of those investigations was that the expansion of this school was the most appropriate solution to issues identified.

**Cabinet Committee recommendations and other Consultation:**

A public consultation was conducted, the result of which the cabinet member will have regard to in taking this decision. They are also referred to in the appendices.

The outcomes of this public consultation were due to be discussed at Education Cabinet Committee on 19 March 2013 but it has been necessary to take the decision under urgency procedures before the Cabinet Committee has met.

The proposed Education Cabinet Committee report outlining the public responses and financial implications of this proposal are attached as an appendix to this decision. The Committee will receive an update at the next meeting of the actions taken and the reasons why.

The views of the local member Mrs Allen have been sought, and as per the council's constitution are included in the report to the Cabinet member, to which he will have regard on taking the decision.

**Background Documents:** None

**Cabinet Member Signature**

signed



date

28 February 2013

Decision Referred to

Cabinet Scrutiny

Reconsideration Record Sheet

Reconsideration of Decision

§ Cabinet Scrutiny			
YES		NO	

Decision to Refer Back for Reconsideration			
YES		NO	

Issued			
YES		NO	

Published			