

By:	Patrick Leeson, Corporate Director, Education, Learning and Skills
To:	Mike Whiting, Cabinet Member for Education, Learning and Skills
Subject	Decision No. 12/02021 - Proposed expansion of Maypole Primary School, Dartford
Classification:	Unrestricted

Summary:	This report asks the Cabinet Member for Education, Learning and Skills to take the decision to issue a public notice to expand Maypole school in accordance with the urgency procedures required by statute and set out in the Council's Constitution
Recommendations:	The Cabinet member for Education, Learning and Skills is asked to issue a public notice to expand Maypole Primary School and to put in place delegated authorities, for potential future actions, to officers.

## **1. Introduction**

- 1.1 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.
- 1.2 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. The Education Cabinet Committee report outlines the outcomes of the consultation and is attached as appendix 1 to this report.

## **2. Issues and Risks**

- 2.1 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.

## **3. Urgency**

- 3.1 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.

- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 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.

#### **4. Any Alternatives Considered**

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

#### **5. Cabinet Committee recommendations and other Consultation**

- 5.1 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.
- 5.2 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.
- 5.3.1 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.

#### **6. Views**

- 6.1 The Spokesman for the Scrutiny Committee was contacted and agreed in this instance it was necessary to take this decision as a matter of urgency.
- 6.2 The chairman of the Education cabinet Committee gave the following comments:  
“Although I am concerned the decision has to be taken under the urgency provision set out in the council constitution, I understand this action is necessary to ensure there are sufficient places in the school for September 2013”.
- 6.3 The Spokesmen for the opposition, Mr Vye and Mr Christie, have no objections to the decision being taken as urgent.
- 6.4 The local member Mrs Allen, fully supports the actions being taken.

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