

By:	Mike Whiting, cabinet Member for Education, Learning and Skills Patrick Leeson, Corporate Director, Education, Learning and Skills
To:	Education Cabinet Committee – 19 March 2013
Subject	Decision No. 12/02022 - Proposed enlargement of Otford Primary School, Sevenoaks
Classification:	Unrestricted

Summary:	The attached urgent decision was taken between Education Cabinet Committee meetings as it could not reasonably be deferred to the next programmed meeting of the Education Cabinet Committee for the reasons set out below
Recommendations:	Members are asked to note the decision taken by the Cabinet Member for Education, Learning and Skills to issue a public notice to expand Otford Primary School and to put in place delegated authorities for future actions to officers.

## For Information Only

### 1. Introduction

1.1 In accordance with the new governance arrangements, all significant or Key Decisions must be listed in the Forward Plan of Key Decisions and should be submitted to the relevant Cabinet Committee for endorsement or recommendation prior to the decision being taken by the Cabinet Member or Cabinet.

1.2 For the reason(s) set out below it has not been possible for this decision to be discussed by the Cabinet Committee prior to it being taken by the Cabinet Member or Cabinet. Therefore, in accordance with process set out in Appendix 4 Part 7 paragraph 7.18 of the Constitution, the Chairman and Group Spokespersons for this Cabinet Committee and the Chairman and Spokesmen for the Scrutiny Committee were consulted prior to the decision being taken and their views were recorded on the Record of Decision (appendix 1). After the decision was taken, it was published to all Members of this Cabinet Committee and the Scrutiny Committee.

### 2. Background

2.1 The Commissioning Plan for Education provision identified a pressure for places in this locality and a potential shortfall for 2013/14. An expansion of Otford 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.

2.2 A consultation has been conducted on the proposed expansion to Otford Primary School, Sevenoaks. It is proposed to enlarge Otford Primary School by 10 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

2.3 The Public Consultation took place between 3 December 2012 and Monday 28

January 2013 and a public meeting was held on 6 December 2012. The Cabinet Member must have considered these responses when considering the decision.

2.4 The report originally drafted for this meeting of the committee, but superseded by the need to take the decision as urgent, outlines the outcomes of the consultation and is attached as appendix 2 to this report. The Cabinet Member noted and had regard to the information contained within appendix 2 on taking his decision.

### **3. Issues and Risks**

3.1 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.

### **4. Urgency**

4.1 If the public notice had not been issued immediately there would have been 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 have failed to meet its statutory obligations to provide school places, and would have incurred significant reputational risk.

4.2 If the urgent decision had not been taken the only alternative to mitigate the risk on non-provision of places would have been to enter into building contracts and begin works prior to the end of the statutory notice period, which would have commenced after the ECC meeting on 19 March. The Council would therefore be at risk of Judicial Review which would prevent or delay the build in addition to significant local complaints and dissatisfaction that the agreed consultation processes had not been adhered to.

4.3 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. ELS and P&IS will continue to work together with Legal and Democratic Services to look at how approaches to governance and procurement might be streamlined in future.

4.4 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 could not 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 below.

4.5 Senior Managers Rebecca Spore, Director of Property and Infrastructure Support and Patrick Leeson, Corporate Director of Education Learning and Skills also agreed that the decision could not be delayed.

### **5. Any Alternatives Considered:**

5.1 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.

### **6. Cabinet Committee recommendations and other Consultation:**

6.1 A public consultation was conducted, the results of which the cabinet member has considered in taking this decision. They are also referred to in the appendices.

6.2 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 met.

6.3 The proposed Education Cabinet Committee report outlining the public responses and financial implications of this proposal are attached as appendix 2 to this decision.

## **7. Views**

7.1 The Chairman of the Scrutiny Committee was contacted and agreed in this instance it was necessary to take this decision as a matter of urgency.

7.2 The chairman of the Education Cabinet Committee gave the following comments:

“Although I am concerned the decision had to be taken under the urgency provision set out in the council constitution, I understand this action was necessary to ensure there are sufficient places in the school for September 2013”.

7.3 The Cabinet Committee Spokesmen for the opposition, Mr Vye and Mr Christie, had no objections to the decision being taken as urgent.

7.4 The local member Mr Nick Chard, fully supported the action taken.

## **8. Recommendations**

8.1 Members are asked that Decision No. 12/02022 - Proposed enlargement of Otford Primary School, Sevenoaks – taken in accordance with the process in Appendix 4 Part 7 paragraph 7.18 be noted

## **Background Documents**

Report for ECC – 12 September 2012 Primary Commissioning in Sevenoaks District  
<http://kent590w3:9070/documents/g4880/Public%20reports%20pack%2012th-Sep-2012%2010.00%20Education%20Cabinet%20Committee.pdf?T=10>

Proposed expansion of Otford Primary School Consultation Document  
<http://consultations.kent.gov.uk/consult.ti/OtfordPrimarySchool/consultationHome>