

By:	Patrick Leeson, Corporate Director, Education, Learning and Skills
To:	Mike Whiting, Cabinet Member for Education, Learning and Skills
Subject	Proposed Decision number: 12/02008/2 - Proposal to expand Lady Boswell's Church of England Primary School (Aided)
Classification:	Unrestricted

Summary:	This report seeks the agreement of the Cabinet Member to the continued implementation of the expansion to Lady Boswell's Church of England Primary School, following the completion of the Statutory Notice Period during which no further representations were received. The decision is being taken without consideration by a Cabinet Committee, in accordance with procedures set out in the Council's Constitution for such occasion.
Recommendations:	The Cabinet Member for Education Learning and Skills is asked to agree to expand Lady Boswell's Church of England Primary School

## **1. Introduction**

- 1.1 The Sevenoaks District section of the Kent Commissioning Plan 2012-17 indicates a need to commission additional primary school places for in the Sevenoaks Town area. This proposal is one of several in the Sevenoaks area.
- 1.2 On 12 September 2012, Education Cabinet Committee recommended to the Cabinet Member for Education, Learning and Skills that a consultation takes place on the proposal to expand the Lady Boswell's Church of England Primary School.
- 1.3 A report was received by the January meeting of the Cabinet Committee setting out the results of the public consultation, which took place between 3 March 2013 to 2 April 2013 and the public meeting held on 11 October 2012.
- 1.4 At the January meeting the Cabinet Committee endorsed the expansion in principle by endorsing the proposed Cabinet Member decision to issue a public notice regarding the expansion.
- 1.5 This report details the outcome of that public notice period and any comments received from the Chairman of the Cabinet Committee, Chairman of the Scrutiny Board and the Spokesmen of the Opposition sought as part of the required local urgency procedures.

## **2. The Proposal**

- 2.1 It is proposed to enlarge Lady Boswell's Church of England Primary School (Aided) by 30 Reception Year places taking their PAN to 60 (2 FE) 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.

## **3. Response to the Statutory Public Notice**

- 3.1 No responses to the school expansion were received

## **4. Issues and Risks**

- 4.1 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.

## **5. Urgency**

- 5.1 If the decision is not taken outside of the Cabinet Committee cycle, via the procedures outlined in the council's constitution 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.

- 5.2 If the decision is deferred until the next meeting of the relevant Cabinet Committee the only alternative to mitigate the risk on non-provision of places would be to enter into building contracts and begin works prior to the decision being taken. Should the expansion go on to be agreed, the Council would be at risk of there being significant local complaints and dissatisfaction that the agreed processes had not been adhered to.
- 5.3 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.
- 5.4 In accordance with the procedures set out in the Council's Constitution the Chairman of the Scrutiny Committee, and other required consultees agreed that the decision could not reasonably be deferred until the Cabinet Committee in order to follow KCC's normal governance procedures. Comments were requested from those contacted and these are included within the report for consideration when taking the decision.
- 5.5 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 reasonably deferred to the next Cabinet Committee meeting.

## **6. Bold Steps and the Kent Commissioning Plan**

- 6.1 This proposal will help to secure our ambition "to ensure every child will go to a good school where they make good progress and can have fair access to school places" as set out in 'Bold Steps for Kent'
- 6.2 The Sevenoaks section of the Kent Commissioning Plan indicates a need to commission additional primary capacity in the Sevenoaks planning area. This proposal is one of three in that district.

## **7. Education Cabinet Committee**

- 7.1 On 12 September 2012, the Committee considered and endorsed the proposal to the expansion of St Mark's Church of England Primary School. The Committee endorsed the holding of a public consultation on the proposal
- 7.2 On 18 January 2013, the Committee considered the responses received to the consultation and the comments made at the public meeting and discussed the concerns raised. The Cabinet Committee resolved to endorse the proposed decision (12/02008) to issue a public notice

## **7. Views**

- 7.1 The Spokesman for the Scrutiny Committee was contacted and agreed in this instance it was necessary to take the second part of this decision 12/02008/2 without consideration by a Cabinet Committee
- 7.2 The chairman of the Education Cabinet Committee gave the following comments:  
"Owing to the timescales involved I understand the decision has to be taken under the urgency provision set out in the council constitution and this action is necessary to ensure there are sufficient places in the school for September 2013. I acknowledge no further objections have been received during the Statutory Public Notice period but I

would encourage the Cabinet Member to give regard to the comments received during the public consultation period when taking his decision."

7.3 The Spokesmen for the opposition, Mr Vye and Mr Christie, had no objections to the proposed decision pathway.

7.4 The local member: Mr John London has been informed of the outcome of the statutory public notice

## **8. Equality Impact Assessment**

8.1 An Equality Impact Assessment has been completed as part of the proposal. No comments were received and no changes to the Equality Impact Assessment were required following either the consultation period or the statutory public notice period.

## **9. Recommendations**

9.1 The Cabinet Member for Education Learning and Skills is asked to agree to expand Lady Boswell's Church of England Primary School

## **10. Officer Scheme of Delegation**

10.1 The Cabinet Member should be aware that no specific officer delegations are included within the formal decision as the Officer Scheme of Delegation; under Appendix 2 part 4 of the Council's Constitution, provides a clear and appropriate link between this decision and the actions needed to implement it. For information it is envisaged that the Director of Property & Infrastructure Support will sign contracts on behalf of the County Council in this instance.

10.2 Officers performing tasks under the scheme of delegation are expected to keep the relevant portfolio holder informed of progress.

## **11. Background Documents**

Bold Steps for Kent and Policy Framework

[http://www.kent.gov.uk/your\\_council/priorities, policies and plans/priorities and plans/bold steps for kent.aspx](http://www.kent.gov.uk/your_council/priorities,_policies_and_plans/priorities_and_plans/bold_steps_for_kent.aspx)

Kent Commissioning Plan for Education Provision 2012-2017

[https://shareweb.kent.gov.uk/Documents/education-and-learning/plans-and-consultations/strategic-plans/Commissioning%20Plan%20for%20Education%20Provision%20Kent%202012-17%20FINAL%20\(Sept-2012\).pdf](https://shareweb.kent.gov.uk/Documents/education-and-learning/plans-and-consultations/strategic-plans/Commissioning%20Plan%20for%20Education%20Provision%20Kent%202012-17%20FINAL%20(Sept-2012).pdf)

Education Cabinet Committee report – 12 September 2012 – Primary Commissioning – Sevenoaks District

<http://kent590w3:9070/documents/g4880/Public%20reports%20pack%2012th-Sep-2012%2010.00%20Education%20Cabinet%20Committee.pdf?T=10>

Education Cabinet Committee report – 18 January 2013 - Decision number: 12/02008/2 - Proposal to expand Lady Boswell's Church of England Primary School

<http://kent590w3:9070/documents/g4880/Public%20reports%20pack%2012th-Sep-2012%2010.00%20Education%20Cabinet%20Committee.pdf?T=10>

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