

By:	Patrick Leeson, Corporate Director, Education, Learning and Skills
To:	Mike Whiting, Cabinet Member for Education, Learning and Skills
Subject	Decision No. 13/00004 - Proposed enlargement of Ethelbert Road Primary School, Faversham
Classification:	Unrestricted

Summary:	This report seeks the agreement of the Cabinet Member for Education, Learning and Skills to the issue of a public notice to expand Ethelbert Road Primary School and requests that he put in place delegated authorities to officers for future actions if and when they are needed. The decision is urgent and is being taken in accordance with 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 Ethelbert Road Primary School via the necessary first stage issue of a Statutory Public Notice and to put in place measures to continue with the proposal after that period has ended

## **1. Introduction**

- 1.1 The Swale section of the Kent Commissioning Plan for Education Provision 2012-17 indicates a need for additional places in the Faversham 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 Ethelbert Road Primary School.
- 1.3 The Public Consultation took place between 4 March 2013 and 19 April 2013 and a public meeting was held on 21 March 2013. The Cabinet Member must have regard to the responses received when considering the decision.
- 1.4 A report was received by the March meeting of the Cabinet Committee advising the Members the decision to issue a public notice would be taken outside of the Committee structure due to time constraints on work of the buildings. The Committee endorsed this approach.
- 1.4 Education Cabinet Committee report outlines the outcomes of the consultation and is attached as appendix 1 to this report. The Cabinet Member should note and have regard to the information contained within appendix 1 on taking his decision.

## **2. The proposal**

- 2.1 It is proposed to enlarge Ethelbert Road Primary School by 15 reception year places, taking their PAN to 30 (1FE) for the September 2014 intake. Successive Reception Year intake will offer 30 places each year and the school will eventually have a total capacity of 210 pupils.

## **3. Outcomes of the Public Consultation**

- 3.1 The consultation document was distributed to parents/carers, school staff, nursery staff, governors and County Councillors, Member of Parliament, the Diocesan Authorities, local library, the Borough and Parish Councils, and others, in accordance with the agreed County policy. The document was also posted on the KCC website and the link to the website widely circulated via email.
- 3.2 Approximately 350 copies of the public consultation document were circulated, which included a form for written responses.

#### **4. Responses to the Public Consultation**

- 4.1 128 responses have been received, of which 122 are in favour, 5 are opposed and 1 is undecided. The Cabinet Member has reviewed these responses and should have due regard for them before taking a decision.

#### **5. Issues and Risks**

- 5.1 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.

#### **6. Urgency**

- 6.1 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.

- 6.2 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.

- 6.3 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.

- 6.4 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.

- 6.5 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..

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

- 7.1 Education Cabinet Committee on 12 September 2012 considered and endorsed the proposal to expand Ethelbert Road Primary School. The Committee recommended a public consultation on the proposal
- 7.2 Education Cabinet Committee on 19 March 2013 were advised the decision to issue a public notice would be taken outside of the Committee due to time constraints and endorsed this route.
- 7.3 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.
- 7.4 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.

## **8. Views**

- 8.1 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.
- 8.2 The chairman of the Education Cabinet Committee agreed the decision should be taken under the urgency provision.
- 8.3 The Spokesmen for the opposition, Mr Vye and Mr Christie, have no objections to the decision being taken as urgent.
- 8.4 The local member Mr. Tom Gates fully supported the proposal to expand the school but also expressed his understanding of the parking issues raised by local residents and will be looking to see if anything can be done to ease the situation.

## **9. Equality Impact Assessment**

- 9.1 An Equality Impact Assessment was carried out at the start of this consultation and is available via the following link:  
<http://consultations.kent.gov.uk/gf2.ti/f/321794/8101829.1/DOC/-/EIA%20Equality%20Impact%20Assessment%20Report%20August%202012.doc>

## **10. Recommendations**

- 10.1 The Cabinet Member for Education, Learning and Skills is recommended to:

- (i) issue a public notice to expand.

And, subject to no objections being received to the public notice

- (ii) expand the school

Should objections be received during the notice period a separate decision will be required in order to continue the proposal and expand the school to allow for proper consideration of the points raised.

## **11. Officer Scheme of Delegation**

- 11.1 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
- 11.2 Officers performing tasks under the scheme of delegation are expected to keep the relevant portfolio holder informed of progress

## **Background documents**

COMMISSIONING PLAN FOR EDUCATION PROVISION 2012-17

<http://kent590w3:9070/documents/s34295/FINAL%20VERSION%20Kent%20Comm%20Plan%20Ed%20Prov%202012-17%20attached%20to%20WEB%20SITE%2020%20SEPT.pdf>

Education Cabinet Committee report – 12 September 2012 – Primary Commissioning –East Kent

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

The public consultation document is available via the following link:

<http://consultations.kent.gov.uk/consult.ti/Ethelbert/consultationHome>

Education Cabinet Committee report – 19 March 2013 – Primary Commissioning - Swale District

<https://democracy.kent.gov.uk/documents/s38809/Item%20B9b%20Primary%20Commissioning%20Swale%20District.pdf>