

KENT COUNTY COUNCIL - RECORD OF DECISION

DECISION TAKEN BY

**MIKE WHITING
CABINET MEMBER FOR EDUCATION, LEARNING AND SKILLS**

DECISION NO.

12/02016

Unrestricted

URGENT DECISION.

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

Subject:

Proposal to expand Ethelbert Road Primary School, Faversham

Decision:

As Cabinet Member for Education, Learning and Skills, I agree to:

- (i) ISSUE a public notice to expand Ethelbert Road Primary School, Faversham,
And,

Subject to no objections being received to the public notice expand the school

- (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.

Reason(s) for decision

The Commissioning Plan for Education Provision 2012-17 identifies a pressure in the Swale district in 2014/15, and a shortfall of places. The expansion of Ethelbert Road Primary School, Faversham will address these pressures and adheres to the principles of our Commissioning Plan as it increases capacity at a good, popular school. In reaching this decision I have taken into account:

- the views expressed by those attending the public consultation meeting on 4 March 2013 and 19 April 2013, and those put in writing in response to the consultation;
- the views of the local MP, District and Parish Councils, the local County Councillor; Governing Body of the school, the Staff and Pupils;
- the Equalities Impact Assessment and comments received regarding this; and
- the views of the Education Cabinet Committee which are set out below

Issues and Risks

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

Urgency Procedures

If the decision is deferred until it can be considered by the relevant Cabinet Committee 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. Therefore the decision is taken outside of the Cabinet Committee system in accordance with procedures required by the council's constitution for such occasion.

If the decision is not taken by these means, 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.

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 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. 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 consideration on taking the decision.

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

12 September 2012

The Committee considered and endorsed the proposal to expand Ethelbert Road Primary School. The Committee recommended a public consultation on the proposal

19 March 2013

The Committee were advised the decision to issue a public notice would be taken outside of the Committee, as set out in the Council's Constitution due to time constraints. The Cabinet Committee resolved to endorse this action.

In addition the Committee agreed, owing to the timeframes, that if no response were received during the Public Notice and following consultation with the Spokesmen of the Opposition then the expansion can proceed without a further Cabinet Member decision.

The views of the local member Mr Tom Gates have been sought, and as per the council's constitution, his response is included in the report to the Cabinet member, to which he will have regard on taking the decision

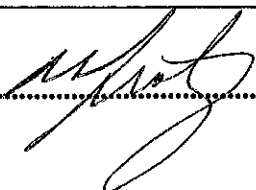
Any alternatives considered:

The Commissioning Plan for Education Provision 2012-17 explored all options and the expansion of this school was deemed the suitable option.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

None

signed



date

30 April 2013