

Subject:	Proposed Expansion of West Hove Junior School: Statutory Notice		
Date of Meeting:	14 October 2014		
Report of:	Executive Director of Children's Services		
Contact Officer:	Name:	Michael Nix	Tel: 29-0732
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Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Pupil numbers for the city show there is a current need for additional primary school places in particular in the west of the city in order that more children are able to attend a good or outstanding local school.
- 1.2 In response to growth in primary numbers over recent years, the Council has already expanded West Hove Infant School on a second site in Connaught Road in Hove. This site opened with three forms of entry in September 2011 and has required bulge classes to be added in reception in 2012 and 2013. The site is to be expanded to four permanent forms of entry from September 2014 in space to be vacated, subject to consultation, by the Adult Day Care Centre on the same site.
- 1.3 The proposal now is to provide four forms of entry for junior age children (7 – 11) on the former Hove Police Station site in Holland Road in Hove, to complement the places at the Connaught site of West Hove Infant School. At its meeting on 16 July 2013 the Children and Young People Committee considered the outcomes of consultation on the preferred option for providing these places as an expansion of West Hove Junior School on the second site at Hove Police Station and agreed to publish the required statutory notice.
- 1.3 The purpose of this report is to report the representations and objections received during the statutory notice period, and to seek a decision of the Committee confirming the proposed expansion of West Hove Junior School.

2. RECOMMENDATIONS:

- 2.1 That the Children and Young People Committee confirms the proposal contained in the statutory notice and resolves to expand West Hove Junior School by three forms of entry in September 2014 and four forms of entry from September 2015.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Primary pupil numbers across the city are rising generally and the rise in south central Hove has been greater than in the city generally. This has already caused pressure on school places that could not all be met locally, despite the provision of new permanent and temporary places at Davigdor Infant School, West Hove Infant School (Connaught), Goldstone Primary School, Aldrington CE Primary School and Benfield Primary School. A further temporary 'bulge' class was provided at West Hove Infant School (Connaught) for September 2013.
- 3.2 At its meeting on 16 July 2013 the Children and Young People Committee agreed to publishing the statutory notice required to progress the proposal to expand West Hove Junior School by three forms of entry for September 2014 and four forms of entry for September 2015 by developing a second site at the former Hove Police Station site in Holland Road in Hove.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Consultation on enlargement of premises of community schools must follow the processes set out in section 19 (1) of the Education and Inspections Act 2006 (EIA 2006). The Act provides that before publishing any proposals to expand a community school, the Council must have consulted 'such persons as appear to them to be appropriate'. This consultation was carried out during June and July 2013.
- 4.2 On 16 July 2013 the Children and Young People Committee authorised the Executive Director of Children's Services to proceed to publish the required statutory notice for the expansion of West Hove Junior School. The subsequent representation period of four weeks was the final opportunity for interested people and organisations to express their views on the proposals.
- 4.3 Statutory notices were published in the local newspaper on 2 September 2013. In addition Notices were displayed at the entrances to the schools and at other places used by the community (details of locations are in the full proposal information in the Members' Rooms). The statutory notice stated how the full proposal information on the proposal could be obtained.
- 4.4 The Statutory Notices form part of the full proposals. Copies of the full proposals were sent to the Anglican and Catholic diocese, the governing body of the school, ward members, the Children and Young People Committee, the Member of Parliament and the Department for Education (DfE). Copies of the complete proposal have to be made available to anyone who requests a copy during the publication period. A copy of the full proposal information is in the Members' Rooms.
- 4.5 The closing date for receipt of representations or objections was 30 September 2013.
- 4.6 During the statutory notice period there were no requests received for the full proposal information
- 4.7 During the statutory notice period there were three responses received to the proposal, from the Head Teacher and Chair of Governors of West Hove Infant School, the Chair of Governors of West Hove Junior School and Mike

Weatherley MP. All three responses were in favour of the proposal. No objections to the proposal were received

5. FINANCIAL & OTHER IMPLICATIONS:

- 5.1 Capital costs arising from the proposal will be met from within the Education Capital Programme which includes funding for additional pupil places and maintenance.
- 5.1.2 The revenue costs of funding the additional forms of entry will be met from the Dedicated Schools Grant (DSG) in 2014/15 onwards.

Finance Officer Consulted: Andy Moore Date: 16 September 2013

Legal Implications:

- 5.2 Statutory notices were published on 2 September 2013 in accordance with Section 19(1) and 19(3) of the Education and Inspections Act 2006 and the accompanying School Organisation Regulations (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 as amended in respect of the proposals to expand West Hove Junior School. Following publication there followed a statutory four week period for representations to be made. The closing date for receipt of representations or objections was 30 September 2013.
- 5.2.1 At the end of this representation period a decision on the proposals will need to be taken within 2 months.
- 5.2.2 The Education and Inspections Act 2006 sets out who decides proposals for any alterations to schools. In the case of these proposals the decision is to be taken by the Local Authority with some rights of appeal to the schools adjudicator. The Children and Young People Committee will act as the Decision Maker for the Local Authority on these proposals.
- 5.2.3 Guidance published by the Department for Education, "Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form", provides that there are four key issues which the Decision Maker should consider before judging the respective factors and merits of the statutory proposals:
 - a) Is any information missing? If so, the Decision Maker should write immediately to the proposer/promoter specifying a date by which the information must be provided.
 - b) Does the published notice comply with statutory requirements? The Decision Maker should consider whether the notice is valid as soon as a copy is received. Where a published notice does not comply with statutory requirements it may be judged invalid and the Decision Maker should consider whether they can decide the proposals.
 - c) Has the statutory consultation been carried out prior to the publication of the notice? Details of the consultation should be included in the proposals. The Decision Maker should be satisfied that the consultation meets statutory requirements. If some parties submit objections on the basis that consultation

was not adequate, the Decision Maker may wish to take legal advice on the points raised. If the requirements have not yet been met, the Decision Maker may judge the proposals to be invalid and should consider whether they can decide the proposals. Alternatively the Decision Maker may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposals as a whole.

- d) Are the proposals linked or related to other published proposals? Regulation provides that where proposals are related they must be considered together. Paragraphs 4.11 - 4.14 provide statutory guidance on whether proposals should be regarded as “related”.

5.2.4 In considering proposals for the expansion of a school, the Decision Maker can decide to:

- reject the proposals
- approve the proposals
- approve the proposals with a modification
- approve the proposals subject to them meeting a specific condition

The regulations provide for a conditional approval to be given where the Decision Maker is otherwise satisfied that the proposals can be approved, and approval can automatically follow an outstanding event. Conditional approval can only be granted in the limited circumstances specified in the regulations.

5.2.5 All decisions must give reasons for the decision, irrespective of whether the proposals were rejected or approved, indicating the main factors/criteria for the decision. Section 7 of this report gives the reasons for the decision based on the legislative framework within which the decision must be decided.

Lawyer Consulted: Serena Kynaston Date: 16 September 2013

Equalities Implications:

5.3 Planning and provision of school places is conducted in such a way as to avoid potentially discriminatory admissions priorities or planning processes. The City Council as admissions authority must be mindful of best practice as described in the Admission Code of Practice.

Sustainability Implications:

5.4 All new school buildings for Brighton and Hove Schools utilise, where ever possible, environmental and sustainable principles such as higher than minimum insulation levels, the use of efficient gas condensing boilers, under floor heating, solar shading and natural ventilation. Materials are sourced from sustainable sources where ever possible. This will apply to the new build part of this new site, and as far as possible in the conversion of the former police station building also.

Crime & Disorder Implications:

5.5 Throughout the development of the proposals consultation will be undertaken with community groups and the Community Safety team and police liaison

officers. It is anticipated that by including the community in the development and use of the facilities at the Holland Road crime and disorder in the local area will be reduced. This will be further improved by offering extended use of the facilities to the community outside the school day.

Risk and Opportunity Management Implications:

- 5.6 It is important that this opportunity is taken to ensure the future provision of learning and teaching, and continuing improvement in standards of education in the city.

Public Health Implications:

- 5.7 There are no public health implications arising from this report.

Corporate / Citywide Implications:

- 5.8 These proposals are an essential element in providing additional local school places for children.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 A paper to the Children and Young People Committee in October 2012 and the School Organisation Plan adopted at that meeting presented the full range of options available to address the need for future places in the city. The proposal within this report is part of the strategy for addressing this need identified in the School Organisation Plan.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The Council has a statutory duty to secure a school place for any child in its area that wants one. Current and projected pupil numbers for the city as a whole show there is an immediate and ongoing need for additional school places in the city.
- 7.2 It is recommended that the proposals to expand West Hove Junior School are approved as this will provide the necessary additional places for junior age children in Hove to complement the provision already being made at West Hove Infant School (Connaught).
- 7.3 The initial public consultation in respect of this proposal showed that the great majority of respondents were happy with the proposal. This outcome has been confirmed by responses to the Statutory Notice.
- 7.4 The new site will be covered by the Council's admissions arrangements which strive to provide truly local schools which serve their most immediate community and assist in the aspirations of the Local Authority in terms of green travel arrangements.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents in Members' Rooms

1. Full Proposal information
2. Department for Education guidance document: Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form

Background Documents

1. None