

Report to the Cabinet

Meeting to be held on Thursday, 14 September 2017

Report of the Head of Asset Management

Part I

Electoral Division affected:
Ribble Valley North East; Ribble
Valley South West;

Proposed expansion of Barrow Primary School, Clitheroe

(Appendices 'A' to 'E' refer)

(Appendix 'E' is not for publication - Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. It is considering that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.)

Contact for further information:

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Executive Summary

Between 8 May 2017 and 11 June 2017, the County Council consulted on a proposal to permanently expand Barrow Primary School in the Langho and Whalley school planning area, with effect from September 2019. Under the statutory process, the County Council is now required to consider the responses to the consultation, and to decide whether to proceed to the next stage and publish Statutory Notices of the proposal. The purpose of this report is to provide the information necessary for that decision to be considered.

Recommendation

The Cabinet is recommended to:

- (i) note the consultation arrangements which were undertaken and the responses that were received in respect of the authority's proposal.
- (ii) agree to the County Council publishing a Statutory Notice of its proposal to expand Barrow Primary School, Clitheroe, by increasing the number of reception pupils admitted to the school from 20 to 30 from September 2019.

Background and Advice

As a result of the effect of significant housing developments, intake into primary schools in the area is expected to increase over the foreseeable future. Barrow Primary School is a popular school and has achieved an 'Outstanding' Ofsted rating. On 8 March 2017, the former Cabinet Member for Children, Young People and Schools approved the consultation on a proposal to permanently increase the

published admission number for Barrow Primary School from 20 places to 30 places, standardising admission numbers from Reception age, with effect from September 2019. This is part of Phase 2 of a programme of capital expansion projects in maintained schools, to provide additional places to regularise admission numbers in areas of growth. If the permanent expansion is approved, the capacity of the primary school would increase from 140 to 210, with additional permanent accommodation being provided on the existing site. This will be enabled by expansion of the existing building; subject to planning consent being granted. A consultation on the expansion proposal took place between 8 May and 11 June 2017.

Process for permanent expansion

As the County Council wishes to propose a substantial increase of the school's capacity for 2019 and beyond, it is categorised as a 'significant enlargement' under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and, therefore, relevant statutory procedures must be followed. Details of the planned timescale to include these statutory procedures are as follows:

Action	Timescale
Consultation on the proposals to enlarge Barrow Primary School (non- statutory stage)	8 May 2017 to 11 June 2017 (5 weeks)
Report to the Cabinet on the responses to the consultation and seeking permission to publish statutory notices	Current stage
Publish Statutory Notices	December 2017
Representation Period	5 weeks ending in January 2018
Decision by the Cabinet	March 2018 (The decision must be made within 2 months of the end of the representation period)
Implementation	September 2019

Consultations

The following are the statutory requirements around consultation as set out within Department for Education (DfE) guidance, 'Making Prescribed Alterations to Maintained Schools' (April 2016) and evidence of the authority's compliance with each requirement;

'Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and LA's will consult interested parties. In developing their proposal prior to publication, as part of their duty under public law to act rationally and take into account all relevant considerations.'

A 'pre-publication' consultation period was held for a five week period during term time from 8 May 2017 to 11 June 2017. The consultation document (Appendix 'A') provided full details of the proposal. A list of all those that have been consulted appears in the consultation booklet (Appendix 'A' page 8). Appendix 'A' Pages 5 & 9 of the consultation document provided information on how to make views known. An analysis of these views can be found at Appendix 'B'. A consultation event was held at the school on 17 May 2017 for parents, staff, governors and other interested parties. An

analysis of views expressed appears in Appendix 'C'. In addition, pupils' views were invited through a children's consultation carried out by the school (Appendix 'D').

Conclusion

The consultation process highlighted a small range of concerns around the impact of the expansion of Barrow Primary School, mainly around potential traffic and parking issues. These issues will be considered as part of the subsequent planning consultation, if the Cabinet makes the final decision to proceed to expand the school. Having considered the responses received as part of the consultation, it is recommended that a Statutory Notice is published to propose that Barrow Primary School is expanded by increasing the number of reception pupils from 20 to 30, with effect from September 2019, by increasing the capacity of the building to 210.

Implications:

This item has the following implications, as indicated:

Risk management

If additional primary school places are not created, there is a risk that the Authority would fail in its statutory responsibility to make sure that a maintained school place is available to all Lancashire children of the appropriate age range who want one.

Providing additional places increases the overall capacity in the area and, if birth rates fall or planned housing development fails to materialise in the future, there may be surplus places, with the possibility that the impact may be felt greatest by one or a small number of neighbouring schools.

If the County Council delays its statutory consultation or decision making in respect of the provision of primary school places in the Langho and Whalley school planning area, there is a real risk that increased demand will lead to emergency action rather than planned additional places. Emergency action can be disruptive for both the affected school and the families involved in the primary allocation of places, and can impact negatively on the schools' capital programme.

The expansion of the school building would be subject to planning permission being granted. A feasibility study was commissioned to ascertain whether there was a possibility to expand the school to 1 Form Entry, due to the limited site area available for expansion and problems with recent flooding of the buildings. This study concluded that it was possible to expand. However, more detailed plans are now being developed in tandem with the statutory process, and it has become evident that permission will be required from the North West Province of the United Reformed Church Trust to alter any part of the building owned by them. In addition, it would appear that there is no formal lease agreement for the school to use parts of the building owned by the Trust, and that the current heating system to the school is fed from a boiler located beneath the adjoined Chapel building. Legal services have advised that no work should commence to alter any part of the building owned by the Trust until approval has been granted in writing. Estates/Legal services will look to enter into negotiations with the Trust body as a matter of urgency to resolve this issue, but it should be noted that no timescale has been given for this to be concluded.

If these agreements are not resolved, there is a risk of delay to the County Council being able to satisfy its statutory obligations to provide additional school places.

Land and Property

The expansion of Barrow Primary School could be accommodated on the existing school site, subject to the issues highlighted above being resolved. The approval of any physical school expansion will be subject to obtaining relevant planning permission and Section 77(3) consent for the change of use in the land (or meeting the terms of The School Playing Fields General Disposal and Change of Use Consent (No 5) 2014).

Legal and Financial Implications

The legal and financial implications are set out at Appendix 'E' which is exempt from publication.

List of Background Papers

Paper	Date	Contact/Tel
Consultation responses for the expansion proposals of Barrow Primary School	8 May to 11 June 2017	Asset Management, 01772 531957
Proposed expansion of Barrow Primary School, Clitheroe	8th March 2017	Sarah Welch, Asset Management, 01772 536748

Reason for inclusion in Part II, if appropriate

Appendix 'E' contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. This section of the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.