

Report to the Cabinet Member for Children, Young People and Schools
Report submitted by: Interim Executive Director for Children and Young People
Date 7 April 2015

Part I

Electoral Divisions affected:
Heysham; Morecambe
North; Morecambe South;
Morecambe West;

The Provision of additional primary school places in Lancaster Road Primary School, Morecambe
(Appendix 'A' refers)

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Executive Summary

Between 22 September 2014 and 7 November 2014 the authority consulted on a proposal to permanently expand Lancaster Road Primary School in Morecambe, with effect from September 2016.

After carefully considering the outcome of the consultation and agreeing (on 12 January 2015) to proceed with the proposal, the authority published a statutory notice on 22 January 2015. In accordance with the statutory process (as per the new School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2013 for school expansion proposals, the Notice invited representations (objections or comments) within the statutory four-week notice period, i.e. from 22 January 2015 to 18 February 2015.

Under the statutory school expansion process, a decision should now be taken about the proposal. If the authority fails to decide the proposal within two months from the end of the representation period, the proposal and any representations about the proposals must be passed to the schools adjudicator for decision.

This is deemed to be a Key Decision and Standing Order 25 has been complied with.

Recommendation

The Cabinet Member for Children, Young People and Schools is recommended to:

- (i) Consider the information in this report;

- (ii) Conditionally approve the proposal to make a prescribed alteration to Lancaster Road Primary School by permanently expanding the number of places available from 60 to 90 pupils for reception year in September 2016 and in subsequent reception years, subject to the granting of planning permission under Part 3 of the Town and Country Planning Act 1990 before 1 September 2015; and
- (iii) Approve that an appropriate statutory decision letter be sent out as specified under legal requirements to give the reasons for the decision to those who are to be informed of them.

Background and Advice

The proposal to expand Lancaster Road Primary School in Morecambe arises from the projected rise in pupil numbers in the Morecambe and Heysham areas.

Following on from a temporary expansion, which increased the admission number at the school to 90 for one year only for September 2015, it is proposed to permanently expand the number of places available from 60 to 90 pupils in reception year with effect from September 2016 and in subsequent reception years thereafter. The overall capacity at the school would be increased from 420 to 630. Should the permanent expansion be approved, then additional permanent accommodation will be provided on the existing school site.

The purpose of this report is to enable the authority to take a decision about the proposal. The constitutional arrangements of the County Council provide for the decision to be taken by the Cabinet Member for Children, Young People and Schools.

This report aims to provide sufficient information on:

- the proposal to expand Lancaster Road Primary School in Morecambe to reflect current and future numbers on roll;
- the responses received during the statutory notice period;
- factors that the decision maker must take into consideration when determining the proposals; and
- a commentary on how the proposal relates to these factors in order for the decision maker to make a determination in respect of the proposals.

Following a period of consultation, the Cabinet Member for Children, Young People and Schools agreed, on 12 January 2015, to the publication of a Statutory Notice proposing to expand Lancaster Road Primary School in Morecambe.

After the authority's publication of a Statutory Notice on 22 January 2015, and expiry on 18 February 2015 of the four week statutory period for representations to be made about the proposal, the authority is now at stage 3 of the 4 stage statutory process (as per the new School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 that is summarised below:

Stage	Statutory requirement	
Pre-statutory phase	Informal consultation on the proposal	22 September 2014 to 7 November 2014
1	Publication of Statutory Notice	22 January 2015
2	Representations on the Proposal	22 January 2015 to 18 February 2015
3	Decision*	7 April 2015
4	Implementation (if the decision is made to proceed)	Permanent expansion from 1 September 2016 New building completion from September 2016.

*If the Local Authority is responsible for a decision on the proposal and fails to take it within two months from the end of the representation period (stage 2) the proposal must be passed to the schools adjudicator for decision.

Details of the school expansion proposal to be considered are set out at Appendix 'A'. The information contains the published notice and complete proposal.

Checks on receipt of Statutory Proposals

New School Organisation (Prescribed Alterations to Maintained Schools) Regulations 2013 came into force on 28 January 2014.

Factors that the decision maker must take into consideration when determining the proposal

Consideration of consultation and representation period: *The decision-maker will need to be satisfied that the appropriate consultation and/or representation period has been carried out and that the proposer has had regard to the responses received. If the proposer has failed to meet the statutory requirements, a proposal may be deemed invalid and therefore should be rejected. The decision-maker must consider all the views submitted, including all support for, objections to and comments on the proposal.*

Comment: Between 22 September 2014 and 7 November 2014 the authority consulted on a proposal to permanently expand Lancaster Road Primary School in Morecambe, with effect from September 2016. Full details of the consultation process are set out in Appendix 'A'.

After carefully considering the outcome of the consultation and agreeing (on 12 January 2015) to proceed with the proposal, the authority published a statutory notice on 22 January 2015. In accordance with the statutory process for school expansion proposals, the Notice invited representations (objections or comments) within the statutory four-week notice period, i.e. from 22 January 2015 to 18 February 2015.

In response to the published proposal, the authority received 2 responses as follows: The Association of Teachers and Lecturers Trade Union (ATL) note the proposal and seek to work together with stakeholders and Ofsted who note the proposal. Neither organisation agrees nor disagrees with the proposal.

Education standards and diversity of provision: *Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the aspirations of parents, raise local standards and narrow attainment gaps. The decision-maker should also take into account the extent to which the proposal is consistent with the government's policy on academies as set out on the department's website.*

Comment: Lancaster Road Primary School in Morecambe is a successful and popular community primary school serving its particular community as well as attracting pupils from a wider area and is well placed to meet the present and continuing demand for primary school places. The Ofsted Inspection of the school in June 2013 graded the school as 'good.'

This is a proposed expansion of a community school and therefore, does not fall under the academy presumption.

Demand: *In assessing the demand for new school places the decision-makers should consider the evidence presented for any projected increase in pupil population (such as planned housing developments) and any new provision opening in the area (including free schools). The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents' aspirations for a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places. Reducing surplus places is not a priority (unless running at very high levels). For parental choice to work effectively there may be some surplus capacity in the system as a whole. Competition from additional schools and places in the system will lead to pressure on existing schools to improve standards.*

Comment: Whilst the demand for places is expected to fluctuate dramatically over the next three years, there is expected to be a permanent need for an additional form of entry (30) places in the area, as there are over 600 new houses expected to be built in the area over the next five years (*Source – Lancaster City Council 5 Year Housing Land Supply Document*). Cabinet report dated 11th September 2014 and complete proposals (**Section 24 and Section 25A of Appendix 'A'**) refer.

The school is full in most year groups. In 2012 the school received 74 1st preferences, in 2013 there were 62 1st preferences and for 2014 there were 73 1st preferences.

School size: *Decision-makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the LA's budget of the need to provide additional funding to a small school to compensate for its size.*

Comment: All schools within the area of growth were contacted in order to seek expressions of interest in expansion before visits to schools then took place. In an initial assessment of the potential to expand existing schools, the following factors are considered

(as stated in the 'Strategy for the Provision of School Places and Schools' Capital Investment 2015/16-2017/18');

- The current strength of the school in terms of attainment levels and leadership.
- Parental preference
- The existing size of the school.
- The existing site and the area available to expand the buildings and maintain adequate play and sports space.
- Access to the site and proximity to the area of growth.
- Any potential joint investment benefits which are immediately obvious

Whilst we would normally seek to have schools of 2FE and below (as also stated in the Strategy referred to earlier) we now have seven other 3 FE primary schools in Lancashire, who are all graded as 'good' or 'outstanding' by Ofsted. The Ofsted Inspection of Lancaster Road Primary School in June 2013 graded the school as 'good.'

Proposed admission arrangements (including post-16 provision): *In assessing demand the decision-maker should consider all expected admission applications, not only those from the area of the LA in which the school is situated. Before approving a proposal that is likely to affect admissions to the school the decision-maker should confirm that the admission arrangements of the school are compliant with the School Admissions Code. Although the decision-maker cannot modify proposed admission arrangements, the decision-maker should inform the proposer where arrangements seem unsatisfactory and the admission authority should be given the opportunity to revise them.*

Comment: When considering future need for school places one element of the statistical analysis involves examining the historic popularity of the school and of other establishments in the area. The data, which details parental applications, refers to all which have been received for annual intakes including any from non Lancashire residents. For community and voluntary controlled schools the Local Authority is the admission authority and proposes and determines the admission arrangements and the published admission number for each establishment. These are reviewed and consulted upon annually within the statutory process required by the Schools Admission Code and associated regulations.

Policies and admission numbers are, therefore, reviewed every year and, following consultation and determination by the Cabinet Member for Children, Young People and Schools, there is a formal objection period for concerns to be referred to the Office of the Schools Adjudicator by any interested party (deadline date 30th June in the year of determination).

National Curriculum: *All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community.*

Comment: Lancaster Road Primary School follows the National Curriculum.

Equal opportunity issues: *The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to: eliminate discrimination; advance equality of opportunity;*

and foster good relations. The decision-maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there should be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

Comment: It is not considered that there are any equal opportunity issues associated with the proposal. The proposal is to expand the school which will not disadvantage any group and will benefit current and additional future pupils at the school.

Community cohesion: *Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging, through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different sections within the community.*

Comment: The proposal to extend Lancaster Road Primary School is to meet the needs of an increased birth rate and the yield from new housing in the surrounding area. The school already has close links with its surrounding community and members of the community were consulted as part of this process.

Travel and accessibility: *Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups. The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.*

Comment: The proposed expansion will provide additional places in a densely populated residential area with good transport and road infrastructure. The provision will not adversely impact upon disadvantaged groups as additional pupils will be able to access a local school place.

Capital: *The decision-maker should be satisfied that any land, premises or capital required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement. A proposal cannot be approved conditionally upon funding being made available. Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.*

Comment: See financial section below. The additional accommodation will be provided on the existing site. The Local Authority will need to ensure that it is compliant with Section 77 of the School Standards and Framework Act 1998 if proposed works include building on playing fields.

School premises and playing fields: *Under the School Premises Regulations all schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.*

Comment: The proposal can be delivered within the existing site and any development would be subject to all necessary approvals such as Section 77 of the School Standards and Framework Act 1998 and planning consent.

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 school place is available to all Lancashire children of the appropriate age range that want one.

Providing additional places increases the overall capacity in the area and, if birth rates fall in the future, there may be surplus places.

Providing any additional accommodation for an increased number of pupils will need to be carefully managed to improve traffic congestion and community facilities at the same time as delivering 21st Century teaching and learning facilities.

If planning permission for the site was not secured by 1 September 2015 this would present a risk. In order to mitigate the risk a planning application will be submitted in due course for consideration by Lancashire County Council's Development Control Committee.

Financial

Based on initial costings it is anticipated that a budget in the region of £3.2 million will be required, including fees and disbursements. Provision is included within the current capital programme for this scheme.

The basic need provision of places is the highest priority in terms of allocating capital funding to local authorities and previous capital allocations and processes indicate that funding would be made available for this type of project. Central government has consistently indicated that provision of additional places is a priority for schools' capital investment and the provision of additional permanent places at identified schools across the county are likely to be prioritised for expenditure.

Additional revenue funding will be required to meet the projected growth in pupil numbers regardless of whether capacity is increased. Revenue funding would be found from the Dedicated Schools Grant (DSG) which is increased in line with rising pupil numbers.

Equality and Diversity

S. 149 of the Equality Act 2010 sets out the equality duty that public authorities must comply with. The proposal is to expand the school which will not disadvantage any group and will benefit additional pupils who would be able to secure places at the school.

Conclusions and Recommendations

The considerations for a decision to be taken about a school expansion are contained within this report and Appendix 'A'.

Having considered the responses received from the consultation and the fact that only two representations were received, who neither agreed nor disagreed, it is recommended that the proposal to permanently expand Lancaster Road Primary School in Morecambe by 30 additional reception places per year from 1 September 2016, be conditionally approved, subject to the granting of planning permission under Part 3 of the Town and Country Planning Act 1990 before 1 September 2016.

List of Background Papers

Paper	Date	Contact/Directorate/Tel
All responses received during the Statutory Notice Period	January/February 2015	Provision Planning Team Lancashire County Council Tel (01772) 531957

Reason for inclusion in Part II, if appropriate

N/A