

CHESHIRE EAST COUNCIL

REPORT TO PORTFOLIO HOLDER

Date of Meeting:	31 March 2014
Report of:	Tony Crane, Director of Children's Services
Subject/Title:	Proposed Expansion of Mobberley CE Primary, Knutsford
Portfolio Holder:	Councillor Rachel Bailey

1.0 Report Summary

- 1.1 This Decision Paper reports on the outcome of consultation and requests approval to issue a public notice of the proposed expansion of Mobberley CE primary, Knutsford from 140 to 210 pupil places with a planned implementation date of January 2015. The proposal for Mobberley CE had been planned for implementation in September 2014. However, it is considered that this is no longer achievable due to delays in purchasing the additional land needed to facilitate expansion.
- 1.2 As the Strategic Commissioner of School Places, Cheshire East Council has a statutory duty to commission sufficient school places for children resident in its area in accordance with Section 14 of the Education Act 1996.
- 1.3 The latest pupil forecasts indicate a shortfall in capacity in the Knutsford area which the Local Authority is seeking to address by expanding existing schools. Based on the October 2012 School Census, pupil forecasts for the Knutsford Planning Area indicate that there will be a shortfall of 166 places across the 7 schools by 2018.

Knutsford Planning Area	Number on Roll Oct'12	October 2012 School Census Forecasts					
		13/14	14/15	15/16	16/17	17/18	18/19
	1373	1422	1454	1498	1531	1572	1608
Unused places		20	-12	-56	-89	-130	-166
% Unused Places		1%	-1%	-4%	-6%	-9%	-11%

- 1.4 These forecasts do not allow for any 'operational surplus', which is a level of spare capacity intended to accommodate reasonable journey times to school, some degree of parental choice and flexibility to allow for mid-year entrants.
- 1.5 The Headteacher and Governors of Mobberley CE Primary School have been consulted and fully support the proposed expansion to support the growing population at this "Outstanding" school (Ofsted, June 2012).

1.6 Permission to consult on this proposal was requested and granted at the 27 January Portfolio Holder meeting and consultation was undertaken between 4 February and 11 March. In making this recommendation full consideration has been given to the responses from key stakeholders during consultation.

2.0 Decision Requested

2.1 That the Cabinet Member for Children and Family Services and Rural Affairs authorises the publication of a statutory notice detailing the Local Authority's proposed expansion of **Mobberley CE Primary School, Knutsford** from 140 to 210 pupil places for implementation in January 2015.

3.0 Reasons for Recommendations

3.1 The rationale for the proposed expansion of Mobberley CE Primary School is set out within the consultation document attached as **Appendix 1**.

3.2 The proposed expansion of 70 pupil places at Mobberley CE Primary School for January 2015 is one of two possible solutions for the Knutsford area to address the shortfall of 166 pupil places. Consultation is currently being undertaken on a proposal for Manor Park School and Nursery to increase the school's capacity from 210 to 315 for September 2015.

3.3 The additional accommodation planned for Mobberley CE would increase the overall combined capacity for this planning area to 1512 pupil places which, when phased in at the normal point of entry to the school, would leave a shortfall of 96 places by 2021. The potential increase to Manor Park School and Nursery, as aforementioned, would address the remaining shortfall by 2020 by providing an additional 105 places phased in at the normal point of entry.

Academic Year	Unused Places/ Shortfall in Places	Expansion of Mobberley CE - cumulative impact	Additional places still required	Expansion of Manor Park - cumulative impact	Unused Places/ Shortfall in Places
13/14	20				
14/15	12	10	2		
15/16	56	20	36	15	21
16/17	89	30	59	30	29
17/18	130	40	90	45	45
18/19	166	50	116	60	56
19/20	166	60	106	75	31
20/21	166	70	96	90	6
21/22	166	70	96	105	9

Current forecasts project to 2018/19 - the forecast of -166 has been assumed for subsequent years.

3.4 Prior to formal statutory consultation, the Local Authority held informal consultation meetings with the headteachers, or their representatives, of the primary schools in this planning area on 31 October 2012, 20 December 2012,

10 May 2013 and 8 October 2013. The purpose of these meetings was to provide information on the pupil place planning process, specific information about basic need requirements for the area, potential housing developments and to provide a forum for discussion.

3.5 How statutory consultation is carried out is not prescribed in regulations and it is therefore for the Local Authority to determine the manner of the consultation. On this occasion the consultation period spanned 5 weeks from 4 February 2014 to 11 March 2014. In order to facilitate feedback on the proposal, formal consultation documents were produced detailing the background and rationale for the proposed expansion and explaining the statutory consultation process. Information on how feedback could be provided was included, together with a feedback form, which was published online on the Council's website and which was available in hard copy on request.

(Appendix 2)

3.6 Letters were emailed to all neighbouring primary schools for distribution to parents and carers of children on roll at the schools and to the local secondary schools. Letters were sent direct to parents of children held on file due to start school in September 2014. Emails were sent to all other consultees providing links to the website where full details could be obtained. Contact details were provided to facilitate requests for more information or assistance with this process. Consultees include local parents, representatives of nearby schools, ward members, MPs, the Diocese, parish councils, neighbouring local authorities and trade unions. In accordance with its statutory duty under Section 176 of the Education Act 2002, the Local Authority has invited feedback on the proposed changes from pupils at the schools. A list of all consultees is attached as **Appendix 3**.

3.7 During the formal consultation period 37 responses were received in total, as set out in the table below:

Expansion Proposal	Responses				
	Support	Do Not Support	No View	Not Stated	Total Respondents
Mobberley CE Primary	33	4	0	0	37

3.8 The 37 respondents were made up of key stakeholders as follows:

Governors	Parent/ Carer	Staff	Pupils	Residents/ other	Total
1	10	8	2	16	37

3.9 Of those, 33 have returned comments supporting the proposal believing it to be the right decision, long awaited and good for the children, their learning environment and the development of the community as a whole.

- 3.10 There have been 4 responses opposing the proposed expansion, expressing concern that this proposal could impact on pupil numbers in neighbouring schools and schools in neighbouring local authorities. Concerns regarding the road network being inadequate and unable to cope with an increased volume of traffic, and issues surrounding road safety and parking.
- 3.11 Full details of the responses received during consultation are attached as **Appendix 4.**

4.0 Wards Affected

Mobberley CE Primary is situated in Mobberley Ward. However, consultation has been undertaken with neighbouring wards.

High Legh
Knutsford
Chelford
Wilmslow West & Chorley

5.0 Local Ward Members

Jamie Macrae - Mobberley
Steve Wilkinson – High Legh
Stewart Gardiner – Knutsford
Olivia Hunter – Knutsford
Peter Raynes - Knutsford
George Walton – Chelford
Gary Barton – Wilmslow West and Chorley
Wesley Fitzgerald – Wilmslow West and Chorley

6.0 Financial Implications (Authorised by the Chief Operating Officer)

- 6.1 The total approved Capital budget for the Mobberley CE Primary School Scheme was originally allocated to the project from the 2012-13 Children and Families Capital Programme. The purchase of Mode Cottage, completed 14 March 2014, is being met from the existing approved budget. Further budget required to complete the capital scheme over and above this budget will be funded by Basic Need Grant funding, approval for which will be sought through the Council's Financial Approval Process in due course.
- 6.2 All Capital projects greater than £250,000 are subject to Cheshire East Council's Project Gateway process, which seeks endorsement by way of review and challenge. This project has already started to proceed through this process.
- 6.3 The Dedicated Schools Grant (DSG) income received by Cheshire East will only increase if any additional pupils are new to the LA, i.e. have not been included in the DSG allocation previously.

6.4 The DSG delegated to individual schools is based on the funding formula used in Cheshire East, and currently over 80% of that funding formula is pupil led, i.e. based on the number of pupils on roll at the October Census date. This means that the number of pupils on roll in October will inform the funding formula for the following financial year. For schools admitting additional pupils from a September intake, this will therefore be reflected in the schools budget from the following April. Where there are a significant number of additional pupils at a September intake and the school requires additional financial support prior to the new financial year, the school can apply to the Local Authority's Growth Fund.

7.0 Legal Implications (Authorised by the Borough Solicitor)

7.1 Local authorities have a statutory duty to ensure sufficiency of school places. Since 28 January 2014, the process for change has been revised through legislation and a streamlined statutory process has been introduced. In bringing forward proposals to expand a school, the Local Authority must comply with statutory requirements as set out in The Education and Inspections Act 2006 (EIA 2006) and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 that came into force on 28 January 2014.

7.2. Under previous legislation (now revoked) statutory consultation was required before a proposal could be published for a significant enlargement, which is when capacity will increase by more than 30 pupils and more than 25% of existing capacity. Although there is no longer a prescribed 'pre-publication' consultation period for prescribed alterations, there is a strong expectation on the proposer that they will consult with 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.

7.3 The 2014 statutory process for making significant changes to schools has four stages, as set out below:

Stage 1	Publication	Statutory proposal published – 1 day.
Stage 2	Representation (formal consultation)	Must be 4 weeks, as prescribed in regulations.
Stage 3	Decision	The decision-maker (usually the LA) must decide proposals within 2 months of the end of the representation period or decision defaults to Schools Adjudicator (OSA) ⁸ . Any appeal to the adjudicator must be made within 4 weeks of the decision.
Stage 4	Implementation	No prescribed timescale, but must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker.

7.4 If approved, the next stage in the process for this particular proposal; which has been consulted on as set out in paragraph 3 above, will involve the

publication of a notice (Stage 1) and subsequent 4-weeks representation period (Stage 2).

7.5 The timescales involved in this process are set out in the following table:

27 January 2014	Portfolio Holder's permission to consult
4 February to 11 March 2014	Consultation Period
31 March 2014	Portfolio Holder Decision on Publication
16 April to 14 May	Representation Period (if approved) 4 weeks
June 2014	Cabinet Decision TBC*
January 2015	Implementation**

*If Objections are received at Stage 2, the final decision would be considered by the School Organisation Sub Committee in June 2014.

** It is considered that the original implementation date of September 2014 cannot be achieved due to delays in purchasing the additional land needed to facilitate expansion.

- 7.6 In deciding whether or not to give permission to publish proposals it is a requirement both under guidance and case law that the decision maker should consider the views expressed during the 'pre-publication' consultation period and take into account the Equality Impact Assessment (**Appendix 5**). It is therefore imperative that full details of all views received during the consultation period are available at the meeting on 31 March. In taking the decision, the Portfolio Holder should also be satisfied that the Equality Impact Assessment has adequately taken account of any further submissions or views submitted during the consultation period.
- 7.7 If the decision is taken to publish proposals, a representation period will follow which must be of 4 weeks duration and cannot be altered. This allows comments on the proposals to be made by any person, which can be objections as well as expressions of support for the proposals. This period is the final opportunity for people and organisations to express their views about the proposals and ensure that they will be taken into account when the decision is finally being made.
- 7.8 Where proposals require capital resources for their implementation the funding for the proposals should be in place when the proposals are decided. Where proposers require capital funding to implement their proposals, they should secure this before publishing proposals. Capital funding arrangements are set out in paragraph 6 above.
- 7.9 Following publication of the proposal and the subsequent statutory representation period, the final decision on whether the published proposals will be implemented will normally be taken by Cabinet. In making its decision, Cabinet will have to be satisfied that all statutory requirements including statutory consultation and statutory guidance have been complied with. The legislation provides further detailed statutory advice on what factors the decision maker must take into account in reaching a final decision.
- 7.10 In the event that the Council receives objections to the statutory proposal, the final decision will be made by the School Organisation Sub Committee.

8.0 Risk Management

- 8.1 Disruption to pupils, staff and the community must be kept to a minimum during the consultation period, and any subsequent building programme, to ensure that standards continue to improve
- 8.2 The proposed expansion was identified to address a Basic Need in the area. This is in order to ensure that the Authority meets its statutory duty to provide sufficient school places in this area.
- 8.3 Planning approval is required, a planning application (ref: 14/0729M) was submitted on 21 February 2014 to run in parallel with consultation on the proposed expansion of the school. The decision target date is 18 April 2014, which is after the notice of the proposed expansion would be published, if approved by the Portfolio Holder, and is therefore a risk to this project.
- 8.4 Following appointment of a contractor from the CEC Framework, the design will need to be developed "at risk" during late March/April to agree a target cost , i.e. in advance of approval to proceed to the next stage. If the proposal is not subsequently approved and the scheme cannot proceed, the abortive costs would have to be found from revenue.

9.0 Access to Information

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