

CHESHIRE EAST COUNCIL

Report to School Organisation Sub Committee

Date of Meeting:	9 June 2014
Report of:	Tony Crane, Director, Children Services
Subject/Title:	Proposed Expansion of Mobberley CE Primary School, Knutsford
Portfolio Holder:	Councillor Rachel Bailey

1.0 Report Summary

- 1.1 This decision paper reports on the outcome of the statutory public notices (**Appendix 1**), which details the Council's proposal to expand Mobberley CE Primary School from 140 to 210 school places from January 2015 and the responses received during the 4-weeks representation period from 16 April and concluded on 14 May 2014. A copy of the full proposal is attached as **Appendix 2**.
- 1.2 The School Organisation Sub Committee is advised that it must take into account any representations received when deciding whether to approve the proposals.
- 1.3 Section 14 of the Education Act 1996 places a duty on local authorities to ensure sufficiency of school places for children resident in its area. In response to the pupil forecasts, which indicate a shortfall in the Knutsford area from 2014, a review of provision has resulted in proposals to increase Mobberley CE Primary and Manor Park School and Nursery. A separate decision paper will report on the outcome of the public notice detailing the proposed expansion of Manor Park School and Nursery.
- 1.4 The Headteacher and Governing Body of Mobberley CE Primary School have been consulted and fully support the proposed expansion of the school (**Appendix 3**).
- 1.5 The table below lists the documents included with this report.

Appendices	Document
1	Statutory Public Notice
2	Statutory Proposal
3	Headteacher and Governing Body approval
4	Representation Feedback Summary
5	Guidance for Members
6	List of Consultees
7	Consultation Document
8	Consultation Feedback Summary
9	Knutsford Planning Area Data - New Housing Impact
10	Demand for Reception Class Places

11	Map showing the school's location.
12	Guidance issued by the Department for Education – School Organisation Maintained School – Annex B: Guidance for Decision-makers
13	Equality Impact Assessment

2.0 Decision Requested

2.1 Approval to expand Mobberley CE Primary School, Knutsford from 140 to 210 pupil places for January 2015.

3.0 Reasons for Recommendation

- 3.1 This proposal will enable the Local Authority to meet its statutory duty as Strategic Commissioner of School Places by ensuring a sufficiency of school places for children resident in its area.
- 3.2 Feedback received during the representation period has been low with only 11 responses received by the closing date of 14 May 2014. Nevertheless, all responses have been positive confirming support for the proposed expansion 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. No objections have been received. The 11 respondents were made up of key stakeholders as set out in the table below. Full details are set out in **Appendix 4**

Governors	Parent/ Carer	Staff	Residents/ other	Total
2	3	4	2	11

- 3.3 The School Organisation Sub Committee must take these views into account when deciding whether to approve the proposal. Information relating to comments received during the representation period is included as **Appendix 5** to assist the School Organisation Sub Committee in its decision-making. However, this should not discourage Members from considering any other information that they consider relevant.

4.0 Background

- 4.1 Consultation with key stakeholders (**Appendix 6**) was authorised by Councillor Rachel Bailey, Cabinet Member for Children and Family Services and Rural Affairs at her Portfolio Holder meeting on 27 January 2014.
- 4.2 The rationale for this proposal, including pupil forecasts to 2018 based on October 2012 school census data, is set out in the consultation document that was presented at this meeting, attached as **Appendix 7**. Feedback received from consultees is attached as **Appendix 8**
- 4.3 To summarise the rationale, October 2012 School Census pupil forecasts indicated a shortfall in the number of primary school places in some areas of

the Borough. The forecasts indicated that for the Knutsford area there would be a shortfall of 166 places by 2018. These forecasts did not provide 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. As an indication, to deliver 4% operational surplus an additional 223 pupil places would be needed by 2018 based on these forecasts. This data is set out in the table below:

Knutsford Area	Number on Roll (NOR) Oct 12	Oct 2012 Capacity - Number of Pupil Places	Academic Year					
			13/14	14/15	15/16	16/17	17/18	18/19
Forecast NOR	1373	1442	1422	1454	1498	1531	1572	1608
Forecast Unused Places			20	-12	-56	-89	-130	-166
Forecast Unused Places including 4% operational surplus			-38	-70	-113	-146	-187	-223

Data Source: October 2013 School Census Pupil Forecasts

- 4.4 Updated forecasts have since been produced (May 2014) based on October 2013 School Census information. These forecasts take into account the reception intakes in September 2013 and anticipated reception intakes for September 2014.
- 4.5 These latest forecasts indicate that over all year groups, the anticipated shortfall will commence in September 2015 and not 2014 as previously forecast. However, the pressure on primary school places in this area remains a concern with the latest forecasts indicating demand for an additional 100 pupil places for 2018. This capacity would not deliver any operational surplus and therefore additional places above this would be needed. Using 4% as an indication, a total of 157 additional pupil places would be needed in the Knutsford planning area by 2018.

Knutsford Area	Number on Roll (NOR) Oct 13	Oct 2013 Capacity - Number of Pupil Places	Academic Year					
			14/15	15/16	16/17	17/18	18/19	19/20
Forecast NOR	1391	1442	1417	1454	1480	1517	1542	1535
Forecast Unused Places			25	-12	-38	-75	-100	-93
Forecast Unused Places including 4% operational surplus			-33	-70	-95	-132	-157	-150

Data Source: October 2013 School Census Pupil Forecasts

- 4.6 Whilst it is forecast that demand for primary school places will reduce slightly for 2019, the higher number of births in this area in the years since 2010 as

shown in the table below, and the potential impact from new housing as set out in **Appendix 9** to this report presents further challenge in this area that must be taken into account to ensure sufficiency of school places for future years.

Knutsford Planning Area - Birth Data					
Year	Actuals/ Estimates	Births	Diff	%	2 Yr Average - Estimate
2008	184	N/A			N/A
2009	199				
2010	182	212	-30	85.8%	
2011	193	217	-24	88.9%	
2012	231	240	-9	96.3%	
2013	210	216	-6	97.2%	N/A
2014	255	264	-9	96.7%	
2015	242	250	-8	97.0%	
2016	218	225	-7	96.9%	

Source: Live birth - latest ONS data

- 4.7 The anticipated intake for September 2014 is set out below and shows a shortfall in the number of places in this area based on the most recent demand through the admissions process. This has necessitated admission over PAN to 3 schools –Mobberley CE Primary, Manor Park School and Nursery and High Legh Primary as highlighted in the table. The allocation data is an indication only at this stage as admission for September 2014 will not be concluded until all admission appeals have been administered at the end of the summer term. Allocation data will be updated at the start of the term in September.

School	No Places	Allocated	Vacancies	Waiting List
Bexton	60	60	0	1
Egerton	30	30	0	2
Manor Park School & Nursery	30	36	-6	
St Vincent de Paul Catholic	30	30	0	5
High Legh Primary	21	22	-1	1
Little Bollington CE	15	15	0	
Mobberley Church of England	20	30	-10	3
	206	223	-17	12

Data Source: CYPD/School Admissions 20/05/14

- 4.8 Information showing the historical pattern of demand for reception places in this area is attached as **Appendix 10**.
- 4.9 The proposed expansion of Mobberley CE Primary School is one of two proposed solutions to meet the shortage in this area and to provide a level of operational surplus, as defined at paragraph 4.3 above. The expansion of Manor Park School and Nursery is also proposed and, whilst this is presented in a separate report, some information is included here for completeness.
- 4.10 The additional accommodation of 70 pupil places proposed for Mobberley CE would increase the overall combined capacity for this planning area to 1512.

If approved, this would mainly be phased in at the normal point of entry to the school, as set out in the table below and therefore fully embedded by 2020. Forecast data for the period beyond 2019 is not yet available therefore the 2019 forecast has been applied for the subsequent year to provide an indication of the potential impact of this proposal. The proposed additional 70 places would be insufficient to meet the need in the area with a remaining shortfall of 23 places forecast for 2020. This forecast does not include provision of any operational surplus for this area.

Academic Year	Unused Places	Mobberley CE Planned Expansion - Cumulative Impact	Outcome - Unused Places
14/15	25	10*	15
15/16	-12	20	8
16/17	-38	30	-8
17/18	-75	40	-35
18/19	-100	50	-50
19/20	-93	60	-33
20/21	-93	70	-23

*Proposed implementation date during 14/15 Academic Year.

Data Source: October 2013 School Census Forecasts.

Please note: Current forecasts project to 2019/20 - the forecast of -93 has been assumed for the subsequent year.

- 4.11 The additional accommodation proposed for Manor Park School and Nursery, as aforementioned, is planned to meet increasing demand for school places in Knutsford. It is therefore expected that the combined additional capacity from these two proposals would ensure that there are sufficient places in the area to meet future demand and also to contribute to the delivery of operational surplus for this area to ensure a level of spare capacity to accommodate reasonable journey times to school, some degree of parental choice and flexibility to allow for mid-year entrants. The table below gives an indication of the effect of both proposals by applying the 2019 pupil forecast of -93 places to subsequent years. This results in a forecast spare capacity of 82 (5%) pupil places across all year groups and all schools at the point. This forecast does not take into account any potential demand in the future arising from new housing developments as set out in **Appendix 9** to this report.

Academic Year	Unused Places	Manor Park Planned Expansion - Cumulative Impact	Mobberley CE Planned Expansion	Planned Capacity	Outcome - Unused Places
14/15	25	0	10	10	35
15/16	-12	15	20	35	23
16/17	-38	30	30	60	22
17/18	-75	45	40	85	10
18/19	-100	60	50	110	10
19/20	-93	75	60	135	42

20/21	-93	90	70	160	67
21/22	-93	105	70	175	82

Data Source: October 2013 School Census data.

Please note: Current forecasts project to 2019/20 - the forecast of --93 has been assumed for subsequent years.

- 4.12 It is therefore proposed that this expansion should be approved to ensure sufficiency of school places and a level of operational surplus for this area.
- 4.13 This request for approval to expand Mobberley CE Primary has taken into account feedback received during the formal consultation period and officers have shared plans with the primary headteachers in the Knutsford Planning Area.
- 4.14 A report detailing the outcome of the formal consultation undertaken between 4 February and 11 March 2014 was presented to the Cabinet Member on 31 March 2014 whereupon permission was given to issue a statutory notice detailing the proposed expansion of Mobberley CE Primary School from 140 to 210 school places. Full details of the feedback received during the consultation period are attached as **Appendix 8**.
- 4.15 In accordance with the guidance issued by the Department for Education, the statutory notice was published in the local paper and a copy of the notice and proposal were forwarded to the Secretary of State. The statutory four-week representation period that followed commenced on 16 April and concluded on 14 May 2014. Committee members are advised that this statutory process provides the opportunity for any person with an interest to submit representations, which can be objections as well as expressions of support for the proposals. Committee members must take any views received into account when deciding whether to approve the proposal.
- 4.16 The representation period was notified to key stakeholders including Ward Members, George Osborne MP, the Diocese and Parish Councils (**Appendix 6**). Information was emailed to all schools in the Knutsford Planning Area and schools were issued with letters for distribution to all their parents and carers. Copies of the statutory notice were displayed on the school gates at Mobberley CE Primary.
- 4.17 The representations received have been attached as **Appendix 4** and are referred to above in paragraph 3.2.
- 4.18 A map illustrating the location of the school is attached as **Appendix 11**.

5.0 Wards Affected

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

High Legh
Knutsford
Chelford

Wilmslow West & Chorley

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, which completed on the 14 March 2014, was met from the existing approved budget. The total estimated cost of the project including the land purchase is £967,000, the additional budget will be funded by Basic Need Grant funding, approval for which will be in accordance with the Cheshire East Council's Constitution - Finance and Contract Procedure Rules
- 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. Full endorsement was granted on the 18 March 2014.
- 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). 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 The timescales involved in this process are set out in the following table:

27 January 2014	Portfolio Holder's permission to consult
4 February 2014 to 11 March 2014	Consultation Period
31 March 2014	Portfolio Holder Decision on Publication
16 April to 14 May	Representation Period 4 weeks
9 June 2014	School Organisation Sub Committee
January 2015	Implementation

- 7.5 Section 21 of the Education and Inspections Act 2006 states that regulations will set out who determines any proposals for prescribed alterations, including expansions made under Section 19. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 that came into force on 28 January 2014 describe the procedures that must be followed when making prescribed alteration proposals and state that local authorities must make decisions about any expansions that they propose.

- 7.6 If a local authority fails to make a decision about a proposal within 2 months of the end of the Representation Period the local authority must forward the

proposal, and any representations received, excluding those withdrawn in writing, to the Schools Adjudicator for a decision.

- 7.7 The regulations further provide that the local authority must have regard to the statutory guidance given from time to time by the Secretary of State when they take a decision on proposals. Guidance issued by the Department for Education entitled *School Organisation Maintained Schools Annex B: Guidance for Decision –Makers* is attached for Committee members as **Appendix 12**.
- 7.8 Committee members are advised that they must have regard to the Guidance when making their decision, in accordance with Regulation 7 of The Regulations. As stated in paragraph 3.3 above, information considered to be of relevance to this section of the Guidance is set out in **Appendix 5** but this should not discourage members from considering any other issues that they consider relevant. The Department for Education's guidance makes it clear that the Guidance should not be treated as exhaustive because the importance of each factor will vary depending on the proposal and as such all proposals must be considered on their individual merits.
- 7.9 Where capital funding is required for a proposal, guidance states that the decision maker should be satisfied that any funding for land, premises, or capital required to implement the proposal will be available and all relevant parties have given their agreement. A proposal cannot be approved conditionally upon funding being made available.
- 7.10 An Equality Impact Assessment (**Appendix 13**) has been completed for this proposal and this concluded that the proposal would have an overall positive impact on several of the areas - specifically parents and carers, young people and socio-economic disadvantaged groups - and a neutral impact on the remaining factors.

8.0 Risk Management

- 8.1 Disruption to pupils, staff and the community must be kept to a minimum during the decision-making process 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, and planning application (ref: 14/0729M) was submitted on 21 February 2014 to run in parallel with consultation on the proposed expansion of the school, Planning Committee met to consider the application on 16 April 2014 and planning approval was granted.
- 8.4 A contractor from the CEC Framework has been appointed to develop the detailed design work. The design will need to be developed "at risk" to ensure that the proposed implementation date of January 2015 can be met if this proposal is approved. 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

- 9.1 The background papers relating to this report can be inspected by contacting the report writer:

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