

Committee: **Lead Member for Learning and School Effectiveness**
 Date: **17 April 2012**
 Title of Report: **Proposed enlargement of St Mary Magdalene Catholic Primary School, Bexhill**
 By: **Director of Children’s Services**
 Purpose of Report: **To seek Lead Member’s conditional approval to enlarge the premises at St Mary Magdalene Catholic Primary School, Bexhill, thereby increasing the school’s capacity from 210 to 315 pupils by September 2013.**

Recommendation:

The Lead Member is recommended to approve the enlargement of the premises at St Mary Magdalene Catholic Primary School, Bexhill, from 210 places to 315 places by September 2013, conditional upon:

- **By 31 October 2012 the granting of planning permission under Part 3 of the Town and Country Planning General regulations 1992**
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1. Financial Appraisal

1.1 **Revenue:** this proposal will not affect the Schools Formula, although it will affect the budget position of St Mary Magdalene Catholic Primary School, which will increase in accordance with pupil numbers. The Schools Funding Formula currently recognises increases in the floor area of schools and provides additional funding. The funding a school actually receives may be impacted by the operation of the Minimum Funding Guarantee.

1.2 **Capital:** The estimated capital cost of implementing the proposal is between £3 - 4 million. The actual cost will be determined through the detailed design, statutory planning and contractual processes. The cost will be funded from the Children’s Services approved Capital Programme for 2012/13 and 2013/14.

2. Supporting information

2.1 On 21 February 2012 Lead Member for Learning and School Effectiveness approved publication of statutory notices relating to a proposal to enlarge St Mary Magdalene Catholic Primary School from September 2013, increasing its capacity from 210 places to 315 places. The proposal is in response to an increase in demand for reception places as a result of a rising birth rate in Bexhill. The number of Catholic baptisms in Bexhill has increased over the last few years and the number of Catholic applications for places at the school is expected to exceed the number of places it is currently able to offer in future years. Copies of the Lead Member report and minute are attached as **Appendices A and B** respectively.

2.2 The Statutory Notice was published in the Bexhill Observer on Friday 2 March 2012. In addition, the Notice was posted at the main entrance to the school site in Hastings Road and in the local library. A full copy of the proposal was sent to the school’s Governing Body, the Catholic Diocese and the Department for Education. The full proposal was also posted on the ESCC website. A copy of the Notice and full proposal can be found in **Appendices C and D** respectively.

2.3 Publication of the Notice was followed by a 4-week representation period, when comments or objections could be made to the County Council.

3. Factors to be considered by the decision maker:

3.1 Proposed changes to the organisation of schools have to follow a prescribed process established by the Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended), and Governing Bodies and the Local Authority must have regard to the statutory guidance set out in the Department for Education’s document ‘Making Changes to a Maintained Mainstream School’, an extract of which is attached as **Appendix E**.

3.2 Before reaching a decision on whether to approve the statutory proposal, Lead Member should consider the following factors.

3.2.1	Did the published notice comply with statutory requirements?	The notice complied with statutory requirements as set out in 3.1 above.
3.2.2	Was a statutory consultation carried out prior to the publication of the notice?	A 7-week period of statutory consultation was carried out during December 2011 and January 2012
3.2.3	Are the proposals related to other published proposals?	The proposal to enlarge St Mary Magdalene Catholic Primary School is not related to other published proposals
3.2.4	Is there a need to create additional places?	<ul style="list-style-type: none"> The Council believes that there is a need to create additional places at Mary Magdalene Catholic Primary School to begin addressing the predicted shortfall of primary school places in Bexhill as result of a rising birth rate in recent years and planned housing development in the town. This can be evidenced in Appendix D (the full proposal) parts <u>24(a)</u> and <u>24 (b)</u>. On 15 March 2012 the governing body of St Mary Magdalene Catholic Primary School agreed a change to its admission arrangements for September 2013, increasing its Published Admission Number from 30 to 45.
3.2.5	Does the school have a religious character, or follow a particular philosophy, and is there satisfactory evidence of sufficient demand for places?	St Mary Magdalene is a Voluntary Aided Catholic Primary School. The number of Catholic baptisms in Bexhill has increased over the last few years and the number of Catholic applications for places at the school is expected to exceed the number of places it is currently able to offer in future years, as evidenced in Appendix D (the full proposal) part 24 (b).
3.2.6	Is the school considered to be popular and successful?	The Council and the governing body consider that the presumption for the expansion of popular and successful schools should apply in this instance. The reasons and evidence to support this view are set out in Appendix D (the full proposal) part 25A.
3.2.7	Has capital funding been identified and secured to enable the proposals to be implemented?	The estimated capital cost of implementing the proposal is between £3 million and £4 million. The actual cost will be determined through the detailed design, statutory planning and contractual processes. The cost will be funded from the Children's Services Capital Programme for 2012/13 and 2013/14 which was approved by Full Council on 7 February 2012. Extracts of the report and minutes from the meeting are attached as Appendices F and G respectively.
3.2.8	Have any particular issues or objections been raised during the representation period which could directly affect the proposal?	By the end of the representation period no comments or objections had been received.

4. Types of decision:

4.1 In considering prescribed alteration proposals, the decision maker can decide to:

- Reject the proposals;
- Approve the proposals;
- Approve the proposals with a modification; or
- Approve the proposals subject to a specific condition

4.2 In this instance, the specific condition relates to planning permission. Planning consent will be required before the premises can be enlarged.

5. Conclusion and reason for recommendation:

5.1 In conclusion, the Council and the Governing Body of St Mary Magdalene Catholic Primary School believe that enlargement of the school's premises from 210 places to 315 places will facilitate the Council in meeting its statutory duty to provide sufficient school places across Bexhill, and enable the governing body to provide adequate Catholic places in the local area to meet demand.

5.2 For this reason, Lead Member is recommended to:

- Approve the enlargement of the premises at St Mary Magdalene Catholic Primary School, Bexhill, from 210 places to 315 places by September 2013, conditional upon:
- By 31 October 2012 the granting of planning permission under Part 3 of the Town and Country Planning General regulations 1992.

MATT DUNKLEY

Director of Children's Services

Contact Officer: Melanie Griffin

Tel: 01273 335819

Local Members: Councillor Martin Kenwood

Background Documents: none

Committee:	Lead Member for Learning and School Effectiveness
Date:	21 February 2012
Title of Report:	To report the outcome of the public consultation on a proposal to enlarge of St Mary Magdalene Catholic Primary School
By:	Director of Children's Services
Purpose of Report:	To seek Lead Member approval to publish statutory notices in respect of a proposal to enlarge St Mary Magdalene Catholic Primary School from September 2013, increasing its capacity from 210 places to 315 places.

Recommendation:

The Lead Member is recommended to:

- i) Authorise the publication of statutory notices in respect of a proposal to enlarge St Mary Magdalene Catholic Primary School from September 2013, increasing its capacity from 210 places to 315 places.**
 - ii) Delegate authority to The Director of Children's Services to amend the proposals prior to their publication if required.**
-

1. Financial Appraisal

1.1 **Revenue:** this proposal will not affect the Schools Formula, although it will affect the school's budget position of St Mary Magdalene Catholic Primary School, which will increase in accordance with rising pupil numbers, following the census count in January 2004.

1.2 **Capital:** capital investment will be required to provide additional places at the school and this will be funded from the Children's Services Capital Programme which was approved by full Council on 7 February 2012. Detailed design work will be undertaken to determine the level of capital funding required to deliver the additional places.

2. Supporting information

2.1 On the 8 November 2011, the Lead Member for Learning and School Effectiveness approved a public consultation on a proposal to enlarge St Mary Magdalene Catholic Primary School from September 2013, increasing its capacity from 210 places to 315 places. The proposal is in response to an increase in demand for reception places as a result of a rising birth rate in Bexhill. The number of Catholic baptisms in Bexhill has increased over the last few years and the number of Catholic applications for places at St Mary Magdalene Catholic Primary School is expected to exceed the number of places it is currently able to offer in future years.

2.2 This report details the responses received during the consultation period and seeks approval from Lead Member for the publication of statutory notices.

2.3 Proposed changes to the organisation of schools have to follow a prescribed process established by the Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended by The School Organisation and Governance (Amendment) (England) Regulations 2007 which came into force on 21 January 2008 and The School Organisation and Governance (Amendment) (England) Regulations 2009 which came into force on 1 September 2009). This process complied with these requirements.

2.4 Consultation took place over a 7 week period between 5 December 2011 and 20 January 2012. Approximately one thousand, two hundred (1,200) consultation documents were distributed to interested parties in accordance with The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended). The full distribution list can be found as part of **Annex 1**. The consultation document was also made available on the County Council's website. A number of consultation events were held during the consultation period, including parent drop-in sessions and a public meeting.

2.5 By the close of the consultation period, 67 replies had been received. This equates to a response rate of only 5.6%. Of the responses:

- 31 (46.3%) supported the proposal
- 4 (6%) neither agreed or disagreed with the proposal
- 32 (47.7%) did not support the proposal.

2.6 44 of the 67 respondents (65.7%) were either pupils or parents/carers of a child at St Mary Magdalene Catholic Primary School and/or members of staff at the school. Of which:

- 19 (43.2%) supported the proposal
- 1 (2.3%) neither agreed or disagreed with the proposal
- 24 (54.5%) did not support the proposal

2.7 Of those parents/carers who disagreed with the proposal, 45.8% did so because they did not wish to see larger class sizes. This is a misunderstanding as the proposal is about providing extra classrooms to accommodate the additional pupils, not about increasing class sizes which at Key Stage 1 are limited by legislation.

2.8 A further 8.3% of parents/carers disagreed because of traffic congestion and parking. In addition, 5 of the 16 respondents from the local community (31.3%) also disagreed for these reasons. While these are valid concerns, respondents would have an opportunity to comment formally on these particular issues during the statutory planning process which would follow for the enlargement of the school building.

2.9 **Annex 1** provides detailed analysis of the consultation process and responses received.

2.10 Governors of St Mary Magdalene Catholic Primary School considered the consultation responses at a meeting on 30 January 2012. Based on the feedback received, the governors confirmed their support for the publication of statutory notices. The Governing Body is currently consulting on its admission arrangements which would see its Published Admission Number increase from 30 to 45 from 2013/14. The Governing Body has to determine its admission arrangements by 15 April 2012.

2.11 The publication of statutory notices would trigger a further 4 week period of consultation, known as the representation period. Within two months of the end of the representation period, Lead Member must decide the proposal taking into account the views of all those affected by the proposal or who have an interest in it, including for example: pupils; parents and carers; staff; other schools; local residents; diocesan bodies and other providers. It is envisaged that a decision would be made at the Lead Member for Learning and School Effectiveness meeting on 17 April 2012.

3. Conclusion and Reason for Recommendations

3.1 The Council has a statutory duty to ensure there is a pattern of school provision across Bexhill which meets current and future demand for places, driven by a rising birth rate and planned housing development. Early indications are that St Mary Magdalene Catholic Primary School will be over-subscribed for September 2012. This, together with the very low response rate (5.6%), the fact that a significant number of respondents who objected did so on the misunderstanding that class sizes would increase, and that governors of the school re-confirmed their support for the proposal, lead us to recommend that Lead Member:

- Authorises the publication of statutory notices in respect of a proposal to enlarge St Mary Magdalene Catholic Primary School from September 2013, increasing its capacity from 210 places to 315 places.
- Delegates authority to The Director of Children's Services to amend the proposals prior to their publication if required.

MATT DUNKLEY
Director of Children's Services

Contact Officer: Penny Gaunt, Deputy Director of Children's Services

Tel: 01273 481660

Local Members: Councillor M Kenward

Background Documents: Annex 1: Analysis of responses from consultation.

CHILDREN'S SERVICES

Children and Adult Services
Learning and School Effectiveness
Children and Families

DECISIONS made by the Lead Member for Learning and School Effectiveness – Councillor Nick Bennett and the Lead Member for Children and Families – Councillor Colin Belsey on Tuesday 21 February 2012 at County Hall, Lewes

Councillor Ensor spoke on Item 4 (see minute 29)

30. REPORTS

30.1 Copies of the reports referred to below are contained in the minute book.

31. MINUTES

31.1 Councillor Bennett approved as a correct record the minutes of the meeting of 31 January 2012.

32. TO REPORT THE OUTCOME OF THE PUBLIC CONSULTATION ON A PROPOSAL TO ENLARGE ST MARY MAGDALENE CATHOLIC PRIMARY SCHOOL

32.1 The Lead Member considered a report by the Director of Children's Services which sought approval to publish statutory notices in respect of a proposal to enlarge St Mary Magdalene Catholic Primary School from September 2013, increasing its capacity from 210 places to 315 places.

DECISION

32.2 RESOLVED to (1) authorise the publication of statutory notices in respect of a proposal to enlarge St Mary Magdalene Catholic Primary School from September 2013, increasing its capacity from 210 places to 315 places; and

(2) delegate authority to the Director of Children's Services to amend the proposals prior to their publication if required.

Reason

32.3 The County Council has a statutory duty to ensure there is a pattern of school provision across Bexhill which meets current and future demand for places, driven by a rising birth rate and planned housing development.

Public Notices

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Property

EAST SUSSEX COUNTY COUNCIL ROAD TRAFFIC REGULATION ACT 1984

The East Sussex (C27 Powdermill Lane, Catsfield / Battle) (Temporary Prohibition of Traffic) Order 2012

To allow East Sussex Highways to carry out drainage investigation works followed by carriageway resurfacing works, East Sussex County Council have made an Order under Sections 14(1) and 15(1)(b) of the Road Traffic Regulation Act 1984, as amended, which will temporarily close the following length of road in 2 phases:-

Temporary Road Closures

C27 Powdermill Lane:-

Phase 1 - Drainage investigation works - in the vicinity of the Telham Lane junction. The road will be closed for one day between 8 March 2012 and 13 March 2012.

Phase 2 - Carriageway resurfacing works between the junction with B2204 Horns Corner and Burnthouse Wood, a distance of 800 metres. The road will be closed between 24 April and 27 April 2012.

Access for pedestrians should not be affected, and vehicular access for residents and to properties should be maintained whenever possible, with the alternative route for through traffic being signed via B2204 Horns Corner - A271 Beechdown Wood - North Trade Road - A2100 High Street - Upper Lake - Lower Lake and vice versa.

The Order commences on 8 March 2012 and lasts for a period of 18 months, or until the works are completed, whichever is the earlier. However, it is anticipated that the road will only be closed for the durations stated above.

If you require any further information telephone the Network Management Office on 0345 60 80 193.

Philip Baker, Assistant Director Legal & Democratic Services,
 Governance & Community Services Department, County Hall, Lewes, East Sussex BN7 1UE
 2 March 2012.

EAST SUSSEX COUNTY COUNCIL AS LOCAL AUTHORITY

Enlargement of St Mary Magdalene Catholic Primary School

Notice is hereby given in accordance with section 19(1) of the Education and Inspections Act 2006 that East Sussex County Council, County Hall, St Anne's Crescent, Lewes BN7 1SG is proposing an enlargement of the premises of St Mary Magdalene Catholic Primary School, Hastings Road, Bexhill TN40 2ND, which would increase the school's capacity from 210 places to 315 places by September 2013.

The school will grow gradually as year groups of 30 at the top end of the school are replaced by year groups of up to 45 moving through the school from reception year. It is anticipated that the increased capacity of 315 could be reached in the 2018/19 academic year, as illustrated in the table below.

Academic Year	Year R (up to)	Year 1 (up to)	Year 2 (up to)	Year 3 (up to)	Year 4 (up to)	Year 5 (up to)	Year 6 (up to)	Approx number on roll
2011/12	30	30	30	30	30	30	30	210
2012/13	45	30	30	30	30	30	30	225
2013/14	45	45	30	30	30	30	30	240
2014/15	45	45	45	30	30	30	30	255
2015/16	45	45	45	45	30	30	30	270
2016/17	45	45	45	45	45	30	30	285
2017/18	45	45	45	45	45	45	30	300
2018/19	45	45	45	45	45	45	45	315

In January 2012, the school had 219 pupils on roll.

The school is a Voluntary Aided Catholic Primary School.

East Sussex County Council will implement the proposal.

No additional site is required to implement this proposal.

This notice is an extract of the complete proposals. Copies of the complete proposals can be viewed at: www.eastsussex.gov.uk/yourcouncil/consultation/

Alternatively you can request a printed copy of the complete proposal from the address below or telephone: 01273 481758.

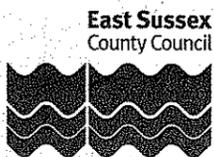
Within four weeks from the date of publication of these proposals, any person may object to, or make comment upon the proposals, by sending their representations to: Matt Dunkley, Director of Children's Services (FAO: Gary Langford, School Place Planning Manager), PO Box 4, Children's Services Department, East Sussex County Council, County Hall, St Anne's Crescent, Lewes BN7 1SG, or by emailing: schoolsmp@eastsussex.gov.uk

Matt Dunkley, Director of Children's Services, East Sussex County Council

Date: 2 March 2012

Explanatory Notes

- In supporting this proposal, the Governing Body of St Mary Magdalene Catholic Primary School is consulting on a change to its admission arrangements for September 2013, which would increase its Published Admission Number from 30 to 45.
- East Sussex County Council anticipates that building work would begin in summer 2012 with completion expected in summer 2013. The building design process will look at development options for enlarging the school building and will determine the exact programme for delivery taking into account estimated costs and the statutory planning process.
- East Sussex County Council will determine this Statutory Notice within 2 months, following notification from the Governing Body as to whether they continue to support the proposed enlargement following their consideration of any representations to this Notice. If the Council fails to determine the Notice within 2 months of the end of the representation period, it will pass all relevant material to the Schools Adjudicator who will determine the Notice.



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Flat £530pcm

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ANALYSIS OF RESPONSES

1. Background:

1.1 East Sussex County Council undertook a consultation between 5 November 2011 and 20 January 2012 on a proposal to enlarge St Mary Magdalene Catholic Primary School from September 2013, increasing its capacity from 210 places to 315 places.

2. Purpose of report:

2.1 This report is in two parts:

- Part 1: the consultation process
- Part 2: analysis of consultation responses

3. Part 1: the consultation process:

3.1 Approximately one thousand two hundred (1,200) consultation documents were distributed in accordance with The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended). Consultees included for example: pupils; parents and carers; staff; other schools in Bexhill; the local MP; the District Council; diocesan bodies and local early years providers. The full distribution list is provided in Table 1 below. The consultation document explained the proposal and provided a range of means to respond. These included: by freepost reply, online questionnaire or by emailing East Sussex County Council. The consultation document was also made available on the County Council's website.

Table 1: Consultation distribution list

Organisation	No. of copies
St Mary Magdalene Catholic Primary School – pupils and parents/carers	210
St Mary Magdalene Catholic Primary School – staff	45
St Mary Magdalene Catholic Primary School – governors	20
St Mary Magdalene Catholic Primary School – spares for reception/neighbours etc	30
All Bexhill primary schools	15 copies each
All Bexhill secondary schools	15 copies each
All Bexhill special schools	15 copies each
Local Catholic schools	15 copies each
Bexhill College	5
ESCC Councillors	50
ESCC Chief Officers Management Team	7
ESCC Children's Services Senior Management Team	7
Gregory Barker MP	5
DFE	1
Rother District Councillors	45
Diocese of Chichester (Church of England)	5
Diocese of Arundel and Brighton (Catholic)	5
Collington Surgery	30
Little Common Surgery	30
Old Town Surgery	30
Pebsham Surgery	30
The Surgery	30
Sidley Surgery	30
Albert Road Surgery	30
Sussex Voluntary and Community Learning Consortium	10
Bexhill Library	30

Cont...	
Unions: Association of Teachers & Lecturers / NASUWT / NHT / NUT / Voice of the Union of Education Professionals / GMB / UNISON	1 copy each
Sidley Children's Centre	30
Pebsham Children's Centre	30
Egerton Park Children's Centre	30
Amberley Nursery	30
Birkdale Hall Day Nursery	30
Charters Ancaster Nursery School	30
Early Years - Glyne Gap	30
1st Friends Day Nursery	30
Bexhill Parish	5
Hastings Parish	5
St Leonard's Parish	5
Spares used for consultation events	40
Total	1,200

3.2 A number of consultation events were held to provide staff, governors and public with further information and evidence of the benefits of enlargement of the school, and to discuss and answer any questions raised. Below is a brief synopsis of each event.

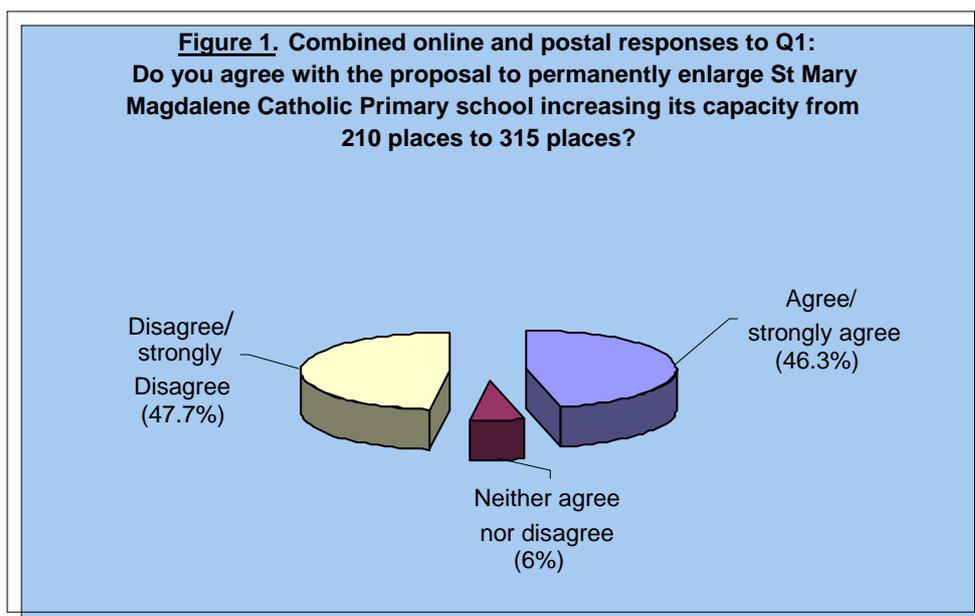
- A public meeting held at St Mary Magdalene Catholic Primary School on Monday 12 December 2011 and attended by 16 people. The event was attended by 2 officers from ESCC and 1 from the Diocese of Arundel and Brighton. People who attended the meeting were keen to seek clarity on issues such as traffic and parking, mixed age teaching, budget implications and potential disruption during building works.
- A playground 'drop-in' session held at St Mary Magdalene Catholic Primary School on Tuesday 13 December 2011. The session was attended by 2 officers from ESCC and 1 from the Diocese of Arundel and Brighton. Generally people were keen to learn more about class sizes and how the school would organise its year groups, and the potential loss of outside space.

4. Part 2: analysis of consultation responses:

4.1 Question 1 on the questionnaire asked people to indicate whether they agreed with the proposal to permanently enlarge St Mary Magdalene Catholic Primary School from September 2013, increasing its capacity from 210 places to 315 places. 67 people responded to this question, of which:

- 31 (46.3%) supported the proposal
- 4 (6%) neither agreed nor disagreed with the proposal
- 32 (47.7%) did not support the proposal

4.2 Figure 1 below shows the breakdown of responses as a pie chart.



4.3 Of the 1,200 consultation documents distributed, 59 (4.9%) responded using the paper questionnaire and 8 (0.7%) responded online. This equates to an overall response rate of only 5.6%.

4.4 44 of the 67 respondents (65.7%) were either pupils or parents/carers of a child at St Mary Magdalene Catholic Primary School and/or members of staff at the school. Of which:

- 19 (43.2%) supported the proposal
- 1 (2.3%) neither agreed or disagreed with the proposal
- 24 (54.5%) did not support the proposal

4.5 Of those parents/carers who disagreed with the proposal, 45.8% did so because they did not wish to see larger class sizes. This is a misunderstanding as the proposal is about providing extra classrooms to accommodate the additional pupils, not about increasing class sizes which at Key Stage 1 are limited by legislation.

4.6 A further 8.3% of parents/carers disagreed because of traffic congestion and parking. In addition, 5 of the 16 respondents from the local community (31.3%) also disagreed for these reasons. While these are valid concerns, respondents would have an opportunity to comment formally on these particular issues during the statutory planning process which would follow for the enlargement of the school building.

4.7 Question 2 asked people to give reasons for their answers to question 1 above. The main areas of concern were: class sizes, traffic congestion and parking problems, disruption during building works, loss of outside space. Comments from people who supported the proposal included: more school places are needed in Bexhill and St Mary Magdalene is a good school, the school is short of space – having extra space is vital, it is a lovely nurturing school.

4.8 Table 2 below summarises the comments received. A full list of responses is available for inspection.

Table 2: Summary of main comments

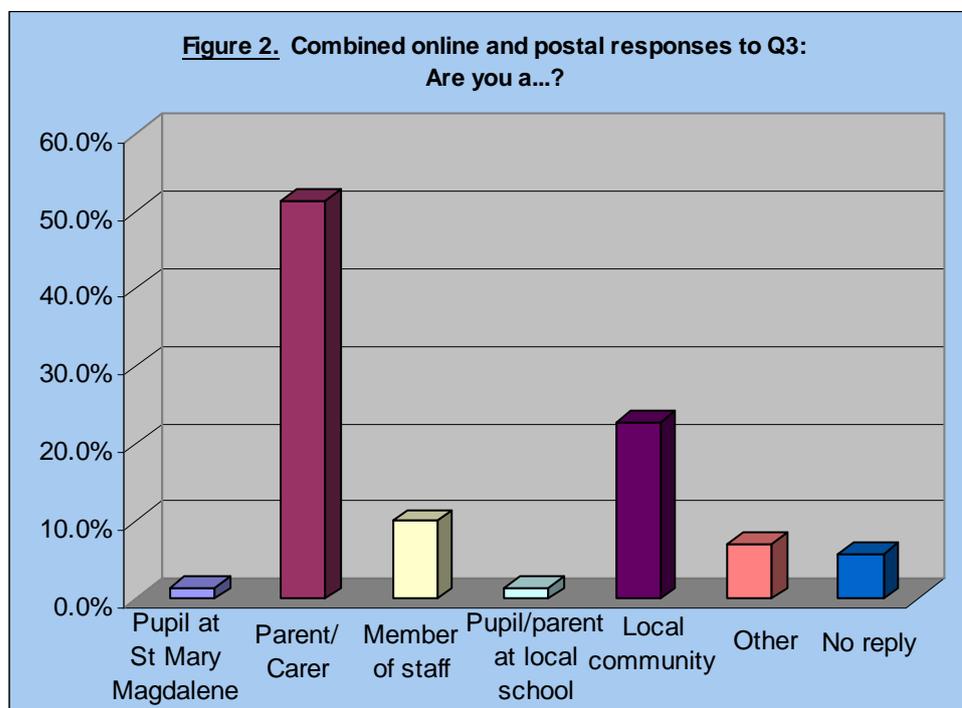
Comment summary	
1	Strongly agree. It's a great opportunity for the school community to be able to provide more places to Catholic children in Bexhill. The school is a credit to its community and it will be great to share this within the parish. It's a great family that is willing to extend and reach out to others.
2	Strongly agree. Catholic schools give an excellent education.
3	Strongly disagree. Class size of 45 is too large. No doubt Children's play areas will be lost to make way for the building works. Staff will be overshadowed.
4	Strongly disagree. Parking problems and emergency vehicle access. Yellow lines please.
5	Agree. Education is important to every child. It is hoped the increase in numbers does not mean an increase in class size.
6	Strongly disagree. Far too many children for one teacher.
7	Strongly disagree. Transport and parking is already a problem.
8	Agree. It is a lovely nurturing school. I hope it can maintain this if it grows larger.
9	Strongly disagree. Although we are a Catholic family one of the main reasons for choosing St Mary Magdalene's was the smaller class sizes and individual attention.
10	Agree. The school is short of space - having extra space is vital. Having extra classes of children would give a level of opportunity to develop shared planning and ideas.
11	Disagree. The local infrastructure is not built or designed to accommodate traffic that is created from the current school run. Increasing this will only increase the nuisance factor of parents who have little regard or respect for those living close by as in the case now.
12	Agree. I would not want other catholic parents to be worried they could not secure a catholic education for their child due to the proposal being cancelled. As Catholics it is vitally important that children can access a catholic education. St Mary Magdalene is a fantastic school and needs to grow.
13	Strongly disagree. St Mary Magdalene's is on a too small plot to enlarge by just over 50% pupil intake. The play areas are not big enough. The parents now cause a problem with parking in St James Heights. The school should only take in pupils from the near area then there wouldn't be a problem with numbers.
14	Strongly disagree. Wholly impractical on the current school site. Larger numbers would compromise the close knit feel of the school, academic performance and the pastoral ethos which is centrally felt to be excellent.
15	Disagree. I feel that the classes are already too large. Children that require extra attention aren't always having their needs met. If you have classes of 45 how can the teacher meet their needs when their needs aren't being met a present.
16	Strongly disagree. Very concerned about the impact on the pupils learning due to large class sizes. We chose St Mary Magdalene's because it was the smaller more friendly school in the area. Concerns regarding legalities of over 30 in a class.
17	Agree. Better facilities. More children can get a place at their first choice school. Teachers have other colleagues in their year group to plan with.
18	Agree. More school places are needed in Bexhill and St Mary Magdalene's is a good school. However, I do not welcome disruption by building works and have already suffered some when the current was developed.
19	Strongly agree. I support the reasoning behind the proposal as outlined by ESCC and the Governing Body.
20	Agree. It will give Catholic children a start in their school of choice being the only one in Bexhill and one of the best schools.

4.9 In answer to question 3, respondents classified themselves as:

- 1 (1.5%) was a pupil at St Mary Magdalene Catholic Primary School
- 36 (53.7%) were parents/carers of children at St Mary Magdalene Catholic Primary School
- 7 (10.4%) were members of staff at St Mary Magdalene Catholic Primary School
- 1 (1.5%) was a pupil or parents/carers of a child at a local school
- 16 (23.9%) were members of the local community
- 5 (7.5%) were classed as other

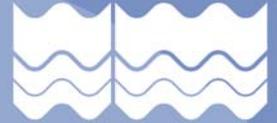
- 4 (6%) did not classify themselves

4.10 The responses to question 3 totalled 70. This is because some respondents ticked more than one box. Figure 2 below shows the breakdown as a bar chart.



4.11 'About you' questions. We collect this information to ensure that we are seeking the views of everyone in our community and to demonstrate that we are complying with relevant diversity and equalities legislation. The responses to the 'About you' questions are available for inspection.

4.12 A copy of the consultation document is provided below.



December 2011

Have your say on a joint proposal by East Sussex County Council and the Governing Body to increase the size of St Mary Magdalene Catholic Primary School

The consultation runs from 5 December 2011 to 20 January 2012.

Due to a rising birth rate in Bexhill, there is an increase in demand for reception places. St Mary Magdalene Catholic Primary School is popular and regularly over-subscribed. The Council and the Governing Body propose to permanently enlarge the school with effect from September 2013, increasing its capacity from 210 places to 315 places. We are consulting with a wide range of people, and welcome your views on this proposal.



What is the proposal?

The proposal is to permanently enlarge St Mary Magdalene Catholic Primary School from September 2013, increasing its capacity from 210 places to 315 places. This would increase its Published Admission Number (the number of places the school can offer in each year group) from 30 places to 45, that's 1.5 classes per year group rather than 1.

This consultation document is for pupils, parents and carers, staff, the local community and other interested parties. The Council and the Governing Body will consider all the views put forward before we decide whether to continue with the proposal to enlarge. We welcome your views on this proposal.

What is the background to this proposal?

Due to a rising birth rate in Bexhill, there is an increased demand for reception places. Births in Bexhill have risen from 289 in 2004/05 to 368 in 2008/09, an increase of 27% in 4 years. This trend is similar to what is happening in other areas of the country. The number of Catholics applying to the Deanery schools has increased steadily over the last four years and several Catholic families have been unable to secure a place in a Catholic school. The number of Catholic baptisms in Bexhill has increased over the last few years and the number of Catholic applications for places at St Mary Magdalene's is expected to exceed the number of places it is currently able to offer in future years.

The Council has a duty to ensure there are sufficient school places available for all children. We must also ensure that the number, location and organisation of pupil places offers the best value to the taxpayer.

In response to a rising demand for places, St Mary Magdalene Catholic Primary School would admit up to 45 reception aged children in September 2012. This proposal is about putting arrangements in place for September 2013 to ensure the school can continue admitting up to 45 children each year in the future.

St Mary Magdalene Catholic Primary School is popular and is regularly over-subscribed. Total preferences have risen from 41 for September 2008 to 60 for September 2011, an increase of 46% in 3 years.

What size would the enlarged school be?

The Council and the Governing Body propose to increase the size of the school to accommodate up to 45 pupils in each year group. The school's capacity would increase from 210 pupils in 7 classes to 315 in 11 classes.

The school would grow gradually as each larger year group moves through the school. It is anticipated that the increased capacity of 315 could be reached in the 2018/19 academic year, as illustrated in the table below.

	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
Maximum reception year intake	30	45	45	45	45	45	45	45
Approximate number on roll	210	225	240	255	270	285	300	315

Who would fund the enlargement of the school building?

It is the intention of the Council to fund the permanent enlargement of the school's premises.

When would building work start and finish?

It is anticipated that building work would begin in summer 2012 and would be completed in summer 2013. The exact programme has yet to be determined, but building work will be planned in order to minimise disruption to the school during this time.

Who makes the final decision and when?

We wish to enlarge the school with effect from September 2013. In order to achieve this, a number of statutory procedures have to be followed. These are:

The Council and the Governing Body will consider all the views expressed during the consultation, which closes on 20 January 2012. We then have several choices and the next steps would depend on what decision was taken. Following consideration of the consultation responses we could choose to:

- stop the process - in this case the enlargement of the school would not proceed;
- change the proposal - in this case the next steps would depend on what the changed proposal was; or
- continue with the proposal - the Council would publish a Statutory Notice for the enlargement of the school in the local paper, probably in March 2012, after which would follow a 4-week consultation period (known as the representation period).

The Council is the final decision maker for this proposal. We have a duty to make a final decision on the proposal within two months of the end of the representation period. This decision would probably be taken in April 2012. In considering its decision the Council could:

- reject the proposal;
- approve the proposal;
- conditionally approve the proposal; or
- approve the proposal with a modification

Alongside this process the Governing Body of St Mary Magdalene Catholic Primary School will separately consult during January and February 2012 on increasing its Published Admission Number from 30 to 45 from September 2013. The Governing Body has to determine its admission arrangements for the school by 15 April 2012.

Who is being consulted?

We are consulting with pupils, parents and carers, staff, other local schools and trade unions. We are also consulting with a wide range of other groups including the Borough Council, the local MP, and the Church of England and Catholic Dioceses.

How do I have my say?

This consultation runs until **20 January 2012**.

You can give your views by:

- Completing the attached questionnaire
- Completing the online questionnaire at: www.eastsussex.gov.uk/yourcouncil/consultation
- Emailing the County Council at schoolsamp@eastsussex.gov.uk
- Attending a public meeting at **St Mary Magdalene Catholic Primary School** on **Monday 12 December 2011** between **6 and 7.30pm**
- Attending a playground 'drop-in' session at **St Mary Magdalene Catholic Primary School** on **Tuesday 13 December 2011** from **2.45pm**



Consultation – Response Form

Our proposal is to permanently enlarge St Mary Magdalene Catholic Primary School from September 2013, increasing its capacity from 210 places to 315 places. This would increase its Published Admission Number (the number of places the school can offer in each year group) from 30 places to 45, that's 1.5 classes per year group rather than 1.

The Council and the Governing Body would welcome your views on the proposal. Please complete this response form and return it to the address at the bottom of the page no later than 20 January 2012.

Q1. Do you agree with the proposal to permanently enlarge St Mary Magdalene Catholic Primary School, increasing its capacity from 210 places to 315 places?

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree

Q2. If you wish, please give your main reasons for your answer to Q1 above, and/or any other options you think the Council and Governors should consider:

Q3. Are you a...?

- Pupil at St Mary Magdalene Catholic Primary School
- Parent/carer of a child at St Mary Magdalene Catholic Primary School
- Member of staff at St Mary Magdalene Catholic Primary School
- Pupil or parent/carer of a child at a local school
- Member of the local community
- Other (please say) _____

Once completed, please tear off this page along the perforation, fold and return it in the window envelope provided by **20 January 2012** to the address below.

Please ensure that the address is clearly visible in the window of the envelope.

You don't need a stamp.

**St Mary Magdalene Catholic Primary School Consultation
FREEPOST BR157
County Hall
St Anne's Crescent
Lewes BN7 1SG**

About you ...We want to make sure that everyone is treated fairly and equally and that no one gets left out. That's why we ask you these questions. We won't share the information you give us with anyone else. We will only use it to help us make decisions and make our services better.

If you would rather not answer any of these questions, you don't have to.

Q4. Are you.....? Male Female Prefer not to say

Q5 Do you identify as a transgender or trans person?
 Yes No Prefer not to say

Q6. How old are you? **Q7. What is your postcode?**

Q8. To which of these ethnic groups do you feel you belong ? (Source 2011 census)

White	Mixed	Asian or Asian British	Black or Black British
<input type="checkbox"/> British	<input type="checkbox"/> White & Black Caribbean	<input type="checkbox"/> Indian	<input type="checkbox"/> Caribbean
<input type="checkbox"/> Irish	<input type="checkbox"/> White & Black African	<input type="checkbox"/> Pakistani	<input type="checkbox"/> African
<input type="checkbox"/> Gypsy/Roma	<input type="checkbox"/> White & Asian	<input type="checkbox"/> Bangladeshi	<input type="checkbox"/> Other*
<input type="checkbox"/> Irish Traveller	<input type="checkbox"/> Other*	<input type="checkbox"/> Other*	
<input type="checkbox"/> Other*	<input type="checkbox"/> Arab	<input type="checkbox"/> Chinese	<input type="checkbox"/> Prefer not to say

***Other Ethnic Group** If your ethnic group was not specified in the list please describe your ethnic group:

The Equality Act 2010 describes a person disabled if they have a longstanding physical or mental condition that has lasted or is likely to last at least 12 months; and this condition has a substantial adverse effect on their ability to carry out normal day to day activities. People with some conditions (cancer, multiple sclerosis and HIV/AIDS, for example) are considered to be disabled from the point that they are diagnosed.

Q9. Do you consider yourself to be disabled as set out in the Equality Act 2010?
 Yes No Prefer not to say

Q9a. If you answered yes to Q9, please tell us the type of impairment that applies to you.
 You may have more than one type of impairment, so please select all that apply. If none of these apply to you please select other and write in the type of impairment you have.

- Physical impairment
- Sensory impairment (hearing and sight)
- Long standing illness or health condition, such as cancer, HIV, heart disease, diabetes or epilepsy
- Other, please specify
- Mental health condition
- Learning disability
- Prefer not to say

Q10. Do you regard yourself as belonging to any particular religion or belief?
 Yes No Prefer not to say

Q10a. If you answered yes to Q10, which one?
 Christian Hindu Muslim Any other religion, please specify
 Buddhist Jewish Sikh

Q11. Are you...?
 Bi/Bisexual Gay woman/Lesbian Other
 Heterosexual/Straight Gay Man Prefer not to say

Thank you for providing this information, your feedback is important to us.

department for
children, schools and families

Making Changes to a Maintained Mainstream School

(Other than Expansion, Foundation,
Discontinuance & Establishment
Proposals)

A Guide for Local Authorities and Governing Bodies

For further information:

School Organisation & Competitions Unit
DCSF
Mowden Hall
Darlington
DL3 9BG

Tel: 01325 735749

Email: school.organisation@education.gsi.gov.uk

Website: www.dcsf.gov.uk/schoolorg/guidance.cfm?id=6

Last updated 1 February 2010

STAGE 4 - DECISION

Stage 4 – Decision (Paragraphs 4.1-4.69)

Who Will Decide the Proposals? (Paragraphs 4.1-4.4)

4.1 Decisions on school organisation proposals are taken by the LA or by the schools adjudicator. In this chapter both are covered by the form of words “Decision Maker” which applies equally to both.

4.2 Section 21 of EIA 2006 provides for regulations to set out who **must** decide proposals for any prescribed alterations. The Regulations make detailed provision for the consideration of prescribed alteration proposals (see in particular Schedules 3 and 5). Decisions on the prescribed alterations covered in this guide will be taken by the LA with some rights of appeal to the schools adjudicator. Only if the prescribed alteration proposals are “related” to other proposals that fall to be decided by the schools adjudicator, will the LA not be the decision maker in the first instance.

4.3 If the LA fail to decide proposals within 2 months of the end of the representation period the LA **must** forward proposals, and any received representations (i.e. not withdrawn in writing), to the schools adjudicator for decision. They **must** forward the proposals within one week from the end of the 2 month period.

4.4 The Department does not prescribe the process by which an LA carries out their decision-making function (e.g. full Cabinet or delegation to Cabinet member or officials). This is a matter for the LA to determine but the requirement to have regard to statutory guidance (see paragraph [4.15](#) below) applies equally to the body or individual that takes the decision.

Who Can Appeal Against an LA Decision? (Paragraphs 4.5-4.6)

4.5 The following bodies may appeal against an LA decision on prescribed alteration proposals:

- the local Church of England diocese;
- the bishop of the local Roman Catholic diocese;
- the LSC where the school provides education for pupils aged 14 and over; and
- the governors and trustees of a foundation (including Trust) or voluntary school that is subject to the proposals.

4.6 Any appeals **must** be submitted to the LA within 4 weeks of the notification of the LA’s decision. On receipt of an appeal the LA **must** then send the proposals, and the representations received (together with any comments

STAGE 4 - DECISION

made on these representations by the proposers), to the schools adjudicator within 1 week of the receipt of the appeal. The LA **should** also send a copy of the minutes of the LA's meeting or other record of the decision and any relevant papers. Where the proposals are "related" to other proposals, all the "related" proposals **must** also be sent to the schools adjudicator.

Checks on Receipt of Statutory Proposals (Paragraph 4.7)

4.7 There are 4 key issues which the Decision Maker **should** consider before judging the respective factors and merits of the statutory proposals:

- Is any information missing? If so, the Decision Maker **should** write immediately to the proposer specifying a date by which the information **should** be provided;
- Does the published notice comply with statutory requirements? (see paragraph 4.8 below);
- Has the statutory consultation been carried out prior to the publication of the notice? (see paragraph 4.9 below);
- Are the proposals "related" to other published proposals? (see paragraphs 4.10 to 4.14 below).

Does the Published Notice Comply with Statutory Requirements? (Paragraph 4.8)

4.8 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 - as set out in the Regulations - it may be judged invalid and the Decision Maker **should** consider whether they can decide the proposals.

Has the Statutory Consultation Been Carried Out Prior to the Publication of the Notice? (Paragraph 4.9)

4.9 Details of the consultation **must** be included in the proposals. The Decision Maker **should** be satisfied that the consultation meets statutory requirements (see Stage 1 paragraphs 1.2-1.4). 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 been met, the Decision Maker may judge the proposals to be invalid and needs to 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.

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Are the Proposals Related to Other Published Proposals? (Paragraphs 4.10-4.14)

4.10 Paragraph 35 of Schedule 3, and Paragraph 35 of Schedule 5, to the Regulations provides that any proposals that are “related” to particular proposals (e.g. for a new school; school closure; prescribed alterations to existing schools i.e. change of age range, acquisition of a Trust, addition of boarding, etc; or proposals by the LSC to deal with inadequate 16-19 provision) **must** be considered together. This does not include proposals that fall outside of the Regulations e.g. removal of a Trust, opening of an Academy, federation proposals. Paragraphs 4.11-4.14 provide statutory guidance on whether proposals **should** be regarded as “related”.

4.11 Generally, proposals **should** be regarded as “related” if they are included on the same notice (unless the notice makes it clear that the proposals are not “related”). Proposals **should** be regarded as “related” if the notice makes a reference to a link to other proposals (published under School Organisation and Trust regulations). If the statutory notices do not confirm a link, but it is clear that a decision on one of the proposals would be likely to directly affect the outcome or consideration of the other, the proposals **should** be regarded as “related”.

4.12 Where proposals are “related”, the decisions **should** be compatible e.g. if one set of proposals is for the removal of provision, and another is for the establishment or enlargement of provision for displaced pupils, both **should** be approved or rejected.

4.13 Where proposals for an expansion of a school are “related” to proposals published by the local LSC³ which are to be decided by the Secretary of State, the Decision Maker **must** defer taking a decision until the Secretary of State has taken a decision on the LSC proposals. This applies where the proposals before the Decision Maker concern:

- the school that is the subject of the LSC proposals;
- any other secondary school, maintained by the same LA that maintains a school that is the subject of the LSC proposals, or
- any other secondary school in the same LA area as any FE college which is the subject of the LSC proposals.

4.14 The proposals will be regarded as “related” if their implementation would

³ References throughout this document to the LSC only apply up to April 2010. The Apprenticeships, Skills, Children and Learning Act (ASCL) Act 2009 will transfer the responsibilities of the LSC in respect of 16-19 education and training to LAs, supported by the Young People’s Learning Agency. This guidance will be revised by April 2010 to take account of these changes.

STAGE 4 - DECISION

prevent or undermine effective implementation of the LSC proposals.

Statutory Guidance – Factors to be Considered by Decision Makers (Paragraphs 4.15-4.16)

4.15 Regulation 8 of The Regulations provides that both the LA and schools adjudicator **must** have regard to guidance issued by the Secretary of State when they take a decision on proposals. Paragraphs 4.16 to 4.60 below contain the statutory guidance.

4.16 The following factors **should not** be taken to be exhaustive. Their importance will vary, depending on the type and circumstances of the proposals. All proposals **should** be considered on their individual merits.

EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT

A System Shaped by Parents (Paragraphs 4.17-4.18)

4.17 The Government's aim, as set out in the Five Year Strategy for Education and Learners and the Schools White Paper Higher Standards, Better Schools For All, is to create a schools system shaped by parents which delivers excellence and equity. In particular, the Government wishes to see a dynamic system in which:

- weak schools that need to be closed are closed quickly and replaced by new ones where necessary; and
- the best schools are able to expand and spread their ethos and success.

4.18 The EIA 2006 amends the Education Act 1996 to place duties on LAs to secure diversity in the provision of schools and to increase opportunities for parental choice when planning the provision of schools in their areas. In addition, LAs are under a specific duty to respond to representations from parents about the provision of schools, including requests to establish new schools or make changes to existing schools. The Government's aim is to secure a more diverse and dynamic schools system which is shaped by parents. The Decision Maker **should** take into account the extent to which the proposals are consistent with the new duties on LAs.

Standards (Paragraphs 4.19-4.20)

4.19 The Government wishes to encourage changes to local school provision which will boost standards and opportunities for young people, whilst matching school place supply as closely as possible to pupils' and parents' needs and wishes.

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4.20 Decision Makers **should** be satisfied that proposals for prescribed alterations will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They **should** pay particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

Diversity (Paragraphs 4.21-4.23)

4.21 Decision Makers **should** be satisfied that when proposals lead to children (who attend provision recognised by the LA as being reserved for pupils with special educational needs) being displaced, any alternative provision will meet the statutory SEN improvement test (see paragraphs 4.55 - 4.59).

4.22 The Government's aim is to transform our school system so that every child receives an excellent education – whatever their background and wherever they live. A vital part of the Government's vision is to create a more diverse school system offering excellence and choice, where each school has a strong ethos and sense of mission and acts as a centre of excellence or specialist provision.

4.23 Decision Makers **should** consider how proposals will contribute to local diversity. They **should** consider the range of schools in the relevant area of the LA and whether the alteration to the school will meet the aspirations of parents, help raise local standards and narrow attainment gaps.

Every Child Matters (Paragraph 4.24-4.25)

4.24 The Decision Maker **should** consider how proposals will help every child and young person achieve their potential in accordance with "Every Child Matters" principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being.

4.25 This **should** include considering how the school will provide a wide range of extended services, opportunities for personal development, access to academic and applied learning training, measures to address barriers to participation and support for children and young people with particular needs, e.g. looked after children or children with special educational needs (SEN) and disabilities.

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SCHOOL CHARACTERISTICS

Boarding Provision (Paragraphs 4.26-4.29)

4.26 In making a decision on proposals that make changes to boarding provision, the Decision Maker **should** consider whether or not there would be a detrimental effect on the sustainability of boarding at another state maintained boarding school within one hour's travelling distance of the proposed school.

4.27 In making a decision on proposals to introduce new boarding places the Decision Maker **should** consider:-

- a. the extent to which boarding places are over subscribed at any state maintained boarding school within an hour's travelling distance of the school;
- b. the extent to which the accommodation at the school can provide the new boarding places;
- c. the extent to which the expansion of boarding places will help placements of pupils with an identified boarding need; and
- d. the impact of the expansion on a state maintained boarding school within one hour's travelling distance from the school which may be undersubscribed.

4.28 In making a decision on proposals to remove boarding provision, the Decision Maker **should** consider whether there is a state maintained boarding school within one hour's travelling distance from the school. The Decision Maker **should** consider whether there are satisfactory alternative boarding arrangements for those currently in the school and those who may need boarding places in the foreseeable future, including the children of service families.

4.29 In making a decision on proposals for expansion of boarding places the Decision Maker **should** consider:-

- a. the extent to which boarding places are over subscribed at the school and any state maintained boarding school within an hour's travelling distance of the school at which the expansion is proposed;
- b. the extent to which the accommodation at the school can provide additional boarding places;
- c. any recommendations made in the previous CSCI/Ofsted reports which would suggest that existing boarding provision in the school failed significantly to meet the National Minimum Standards for Boarding Schools;
- d. the extent to which the school has made appropriate provision to admit other categories of pupils other than those for which it currently caters (e.g.

STAGE 4 - DECISION

taking pupils of the opposite sex or sixth formers) if they form part of the expansion;

e. any impact of the expansion on the continuity of education of boarders currently in the school;

f. the extent to which the expansion of boarding places will help placements of pupils with an identified boarding need; and

g. the impact of the expansion on a state maintained boarding school within one hour's travelling distance from the school which may be undersubscribed.

Equal Opportunity Issues (Paragraph 4.30)

4.30 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 needs to 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.

NEED FOR PLACES

Provision for Displaced Pupils (Paragraph 4.31)

4.31 Where proposals will remove provision, the Decision Maker **should** be satisfied that there is sufficient capacity to accommodate displaced pupils in the area, taking into account the overall supply and likely future demand for places. The Decision Maker **should** consider the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for those schools.

Creating Additional Places (Paragraphs 4.32-4.34)

4.32 Where proposals will increase provision, the Decision Maker **should** consider whether there is a need for the expansion and **should** consider the evidence presented for the expansion such as planned housing development or demand for provision. The Decision Maker **should** take into account not only the existence of spare capacity in neighbouring schools, but also the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for places in the school proposed for expansion. The existence of surplus capacity in neighbouring less popular or successful schools **should not** in itself prevent the addition of new places.

4.33 Where the school has a religious character, or follows a particular philosophy, the Decision Maker **should** be satisfied that there is satisfactory evidence of sufficient demand for places for the expanded school to be

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sustainable.

4.34 Where proposals will add to surplus capacity but there is a strong case for approval on parental preference and standards grounds, the presumption **should** be for approval. The LA in these cases will need to consider parallel action to remove the surplus capacity thereby created.

Travel and Accessibility for All (Paragraphs 4.35-4.36)

4.35 In considering proposals for the reorganisation of schools, Decision Makers **should** satisfy themselves that accessibility planning has been properly taken into account. Facilities are to be accessible by those concerned, by being located close to those who will use them, and the proposed changes **should not** adversely impact on disadvantaged groups.

4.36 In deciding statutory proposals, the Decision Maker **should** bear in mind that proposals **should not** have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. The EIA 2006 provides extended free transport rights for low income groups – see Home to School Travel and Transport Guidance re 00373 – 2007BKT-EN at www.teachernet.gov.uk/publications. Proposals **should** also be considered on the basis of how they will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

16-19 Provision (Paragraphs 4.37-4.39)

4.37 The pattern of 16-19 provision differs across the country. Many different configurations of school and college provision deliver effective 14-19 education and training. An effective 14-19 organisation has a number of key features:

- standards and quality: the provision available **should** be of a high standard – as demonstrated by high levels of achievement and good completion rates;
- progression: there **should** be good progression routes for all learners in the area, so that every young person has a choice of the full range of options within the 14-19 entitlement, with institutions collaborating as necessary to make this offer. All routes **should** make provision for the pastoral, management and learning needs of the 14-19 age group;
- participation: there are high levels of participation in the local area, and,
- learner satisfaction: young people consider that there is provision for their varied needs, aspirations and aptitudes in a range of

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settings across the area

4.38 Where standards and participation rates are variable, or where there is little choice, meaning that opportunity at 16 relies on where a young person went to school, the case for reorganisation, or allowing high quality providers to expand, is strong.

4.39 Where standards and participation rates are consistently high, collaboration is strong and learners express satisfaction that they have sufficient choice, the case for a different pattern of provision is less strong. The Decision Maker therefore will need to take account of the pattern of 16-19 provision in the area and the implications of approving new provision.

Conflicting Sixth Form Reorganisation Proposals (Paragraph 4.40)

4.40 Where the implementation of reorganisation proposals by the LSC⁴ conflict with other published proposals put to the Decision Maker for decision, the Decision Maker is prevented (by the School Organisation Proposals by the LSC for England Regulations 2003) from making a decision on the "related" proposals until the Secretary of State has decided the LSC proposals (see paragraphs 4.13 to 4.14 above).

LSC⁴ Proposals to Remove Inadequate School Sixth Forms (Paragraph 4.41)

4.41 The Learning and Skills Act 2000 (as amended by the Education Act 2005) gives the LSC powers to propose the closure of a school sixth form which has been judged to require Significant Improvement in two consecutive Ofsted inspections. Where a school sixth form is proposed for closure in such circumstances there **should** be a presumption to approve the proposals, subject to evidence being provided that the development will have a positive impact on standards.

SCHOOL CATEGORY CHANGES

Change school category to VA (Paragraph 4.42)

4.42 If a school proposes to change category to voluntary aided, the Decision Maker **must** be satisfied that the governing body are able and willing to meet their financial responsibilities for building work. The Decision Maker may wish to consider whether the governing body has access to sufficient funds to enable it to meet 10% of its overall liabilities for at least 5 years from the date of implementation, taking into account anticipated building projects.

⁴ References throughout this document to the LSC only apply up to April 2010. The ASCL Act 2009 will transfer the responsibilities of the LSC in respect of 16-19 education and training to LAs, supported by the Young People's Learning Agency. This guidance will be revised by April 2010 to take account of these changes.

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FUNDING AND LAND

Capital (Paragraphs 4.43-4.45)

4.43 The Decision Maker **should** be satisfied that any land, premises or capital required to implement the proposals will be available. Normally, this will be some form of written confirmation from the source of funding on which the promoters rely (e.g. the LA, DCSF, or LSC). In the case of an LA, this **should** be from an authorised person within the LA, and provide detailed information on the funding, provision of land and premises etc.

4.44 Where proposers are relying on DCSF as a source of capital funding, there can be no assumption that the approval of proposals 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 proposals **should** be rejected, or consideration of them deferred until it is clear that the capital necessary to implement the proposals will be provided.

4.45 Proposals **should not** be approved conditionally upon funding being made available, subject to the following specific exceptions: For proposals being funded under the Private Finance Initiative (PFI) or through the BSF programme, the Decision Maker **should** be satisfied that funding has been agreed 'in principle', but the proposals **should** be approved conditionally on the entering into of the necessary agreements and the release of funding. A conditional approval will protect proposers so that they are not under a statutory duty to implement the proposals until the relevant contracts have been signed and/or funding is finally released.

Capital Receipts (Paragraphs 4.46-4.48)

4.46 Where the implementation of proposals may depend on capital receipts from the disposal of land used for the purposes of a school (i.e. including one proposed for closure in "related" proposals) the Decision Maker **should** confirm whether consent to the disposal of land is required, or an agreement is needed, for disposal of the land. Current requirements are:

a. Community Schools – the Secretary of State's consent is required under paragraph 2 of Schedule 35A to the Education Act 1996 and, in the case of playing field land, under section 77 of the Schools Standards and Framework Act 1998 (SSFA 1998). (Details are given in DfES Guidance 1017-2004 "The Protection of School Playing Fields and Land for Academies" published in November 2004) -

<http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=spectrum&ProductId=DfE-1017-2004&>

b. Foundation (including Trust) and Voluntary Schools:

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- i. playing field land – the governing body, foundation body or trustees will require the Secretary of State's consent, under section 77 of the SSFA 1998, to dispose, or change the use of any playing field land that has been acquired and/or enhanced at public expense.
- ii. non-playing field land or school buildings – the governing body, foundation body or trustees no longer require the Secretary of State's consent to dispose of surplus non-playing field land or school buildings which have been acquired or enhanced in value by public funding. They will be required to notify the LA and seek local agreement of their proposals. Where there is no local agreement, the matter **should** be referred to the School Adjudicator to determine. (Details of the new arrangements can be found in the Department's guidance "The Transfer and Disposal of School Land in England: A General Guide for Schools, Local Authorities and the Adjudicator" - <http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=spectrum&ProductId=DfE-1017-2004&>).

4.47 Where prescribed alteration proposals are dependent upon capital receipts of a discontinuing foundation or voluntary school the governing body is required to apply to the Secretary of State to exercise his various powers in respect of land held by them for the purposes of the school. Normally he would direct that the land be returned to the LA but he could direct that the land be transferred to the governing body of another maintained school (or the temporary governing body of a new school). Where the governing body fails to make such an application to the Secretary of State, and the school subsequently closes, all land held by them for the purposes of the discontinued school will, on dissolution of the governing body, transfer to the LA unless the Secretary of State has directed otherwise before the date of dissolution.

4.48 Where consent to the disposal of land is required, but has not been obtained, the Decision Maker **should** consider issuing a conditional approval for the statutory proposals so that the proposals gain full approval automatically when consent to the disposal is obtained (see paragraph 4.63).

New Site or Playing Fields (Paragraph 4.49)

4.49 Proposals dependent on the acquisition of an additional site or playing field may not receive full approval but **should** be approved conditionally upon the acquisition of a site or playing field.

Land Tenure Arrangements (Paragraph 4.50)

4.50 For the expansion of voluntary or foundation schools it is desirable that a trust, or the governing body if there is no foundation, holds the freehold interest in

STAGE 4 - DECISION

any additional site that is required for the expansion. Where the trustees of the voluntary or foundation school hold, or will hold, a leasehold interest in the additional site, the Decision Maker will need to be assured that the arrangements provide sufficient security for the school. In particular the leasehold interest **should** be for a substantial period – normally at least 50 years – and avoid clauses which would allow the leaseholder to evict the school before the termination of the lease. The Decision Maker **should** also be satisfied that a lease does not contain provisions which would obstruct the governing body or the headteacher in the exercise of their functions under the Education Acts, or place indirect pressures upon the funding bodies.

School Playing Fields (Paragraphs 4.51-4.52)

4.51 The Education (School Premises) Regulations 1999 set out the standards for school premises, including minimum areas of team game playing fields to which schools **should** have access. The Decision Maker will need to be satisfied that either:

- a. the premises will meet minimum requirements of The Education (School Premises) Regulations 1999; or
- b. if the premises do not meet those requirements, the proposers have secured the Secretary of State's agreement in principle to grant a relaxation.

4.52 Where the Secretary of State has given 'in principle' agreement as at paragraph 4.46(b) above, the Decision Maker **should** consider issuing conditional approval so that when the Secretary of State gives his agreement, the proposals will automatically gain full approval.

SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION

Initial Considerations (Paragraphs 4.53-4.54)

4.53 SEN provision, in the context of School Organisation legislation and this guidance, is provision recognised by the LA as specifically reserved for pupils with special educational needs. When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change, LAs **should** aim for a flexible range of provision and support that can respond to the special educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories of provision according to special educational need or disability. There are a number of initial considerations for LAs to take account of in relation to proposals for change. They **should** ensure that local proposals:

- a. take account of parental preferences for particular styles of provision or education settings;

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- b. offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise) and regional and sub-regional provision; out of LA day and residential special provision;
- c. are consistent with the LA's Children and Young People's Plan;
- d. take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, including the National Curriculum, within a learning environment in which children can be healthy and stay safe;
- e. support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people;
- f. provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community;
- g. ensure appropriate provision for 14-19 year-olds, taking account of the role of local LSC funded institutions and their admissions policies; and
- h. ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs will require amendment and all parental rights **must** be ensured. Other interested partners, such as the Health Authority **should** be involved.

4.54 Taking account of the considerations, as set out above, will provide assurance to local communities, children and parents that any reorganisation of SEN provision in their area is designed to improve on existing arrangements and enable all children to achieve the five Every Child Matters outcomes.

The Special Educational Needs Improvement Test (Paragraph 4.55)

4.55 When considering any reorganisation of provision that would be recognised by the LA as reserved for pupils with special educational needs, including that which might lead to some children being displaced through closures or alterations, LAs, and all other proposers for new schools or new provision, will need to demonstrate to parents, the local community and Decision Makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs. All consultation documents and reorganisation plans that LAs publish and all relevant documentation LAs and other proposers submit to Decision Makers **should** show how the key factors set

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out in paragraphs 4.59 to 4.62 below have been taken into account by applying the SEN improvement test. Proposals which do not credibly meet these requirements **should not** be approved and Decision Makers **should** take proper account of parental or independent representations which question the LA's own assessment in this regard.

Key Factors (Paragraphs 4.56-4.59)

4.56 When LAs are planning changes to their existing SEN provision, and in order to meet the requirement to demonstrate likely improvements in provision, they **should**:

a identify the details of the specific educational benefits that will flow from the proposals in terms of:

- i. improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy;
- ii. improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
- iii. improved access to suitable accommodation; and
- iv. improved supply of suitable places.

b. LAs **should** also:

- i. obtain a written statement that offers the opportunity for all providers of existing and proposed provision to set out their views on the changing pattern of provision seeking agreement where possible;
- ii. clearly state arrangements for alternative provision. A 'hope' or 'intention' to find places elsewhere is not acceptable. Wherever possible, the host or alternative schools **should** confirm in writing that they are willing to receive pupils, and have or will have all the facilities necessary to provide an appropriate curriculum;
- iii. specify the transport arrangements that will support appropriate access to the premises by reference to the LA's transport policy for SEN and disabled children; and
- iv. specify how the proposals will be funded and the planned staffing arrangements that will be put in place.

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4.57 It is to be noted that any pupils displaced as a result of the closure of a BESD school (difficulties with behavioural, emotional and social development) **should not** be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need. PRUs are intended primarily for pupils who have been excluded, although LAs can and do use PRU provision for pupils out of school for other reasons such as illness and teenage pregnancies. There may of course be pupils who have statements identifying that they have BESD who have been placed appropriately in a PRU because they have been excluded; in such cases the statement **must** be amended to name the PRU, but PRUs **should not** be seen as an alternative long-term provision to special schools.

4.58 The requirement to demonstrate improvements and identify the specific educational benefits that flow from proposals for new or altered provision as set out in the key factors are for all those who bring forward proposals for new special schools or for special provision in mainstream schools including governors of foundation schools and foundation special schools. The proposer needs to consider all the factors listed above.

4.59 Decision Makers will need to be satisfied that the evidence with which they are provided shows that LAs and/or other proposers have taken account of the initial considerations and all the key factors in their planning and commissioning in order to meet the requirement to demonstrate that the reorganisation or new provision is likely to result in improvements to SEN provision.

OTHER ISSUES

Views of Interested Parties (Paragraph 4.60)

4.60 The Decision Maker **should** consider the views of all those affected by the proposals or who have an interest in them including: pupils; families of pupils; staff; other schools and colleges; local residents; diocesan bodies and other providers; LAs; the LSC (where proposals affect 14-19 provision) and the Early Years Development and Childcare Partnership if one exists, or any local partnership or group that exists in place of an EYDCP (where proposals affect early years and/or childcare provision). This includes statutory objections and comments submitted during the representation period. The Decision Maker **should not** simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead the Decision Maker **should** give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals.

Types of Decision (Paragraph 4.61)

4.61 In considering prescribed alteration proposals, the Decision Maker can decide to:

- reject the proposals;

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- approve the proposals;
- approve the proposals with a modification (e.g. the implementation date); or
- approve the proposals subject to them meeting a specific condition (see paragraph 4.64).

Conditional Approval (Paragraphs 4.62-4.63)

4.62 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 i.e. as follows:

- a. the grant of planning permission under Part 3 of the Town and Country Planning Act 1990;
- b. the acquisition of the site required for the implementation of the proposals;
- c. the acquisition of playing fields required for the implementation of the proposals;
- d. the securing of any necessary access to a site referred to in sub-paragraph (b) or playing fields referred to in sub-paragraph (c);
- e. the private finance credit approval given by the DCSF following the entering into a private finance contract by an LA;
- f. the entering into an agreement for any necessary building project supported by the DCSF in connection with the BSF programme;
- g. the agreement to any change to the admission arrangements specified in the approval, relating to the school or any other school or schools (*this allows the approval of proposals to enlarge the premises of a school to be conditional on the decision of adjudicators to approve any related change in admission numbers*);
- h. the making of any scheme relating to any charity connected with the school;
- i. the formation of any federation (within the meaning of section 24(2) of the 2002 Act) of which it is intended that the proposed school should form part, or the fulfilling of any other condition relating to the school forming part of a federation;
- j. the Secretary of State giving approval under regulation 5(4) of the Education (Foundation Body) (England) Regulations 2000 to a proposal that a

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foundation body must be established and that the school must form part of a group for which a foundation must act;

k. the Secretary of State making a declaration under regulation 22(3) of the Education (Foundation Body) (England) Regulations 2000 that the school should form part of a group for which a foundation body acts;

ka. where the proposals are to alter the upper age limit of the school, the decision of the Secretary of State to establish a new FE college under s16 of the Further and Higher Education Act 1992;

l. where the proposals in question depend upon any of the events specified in paragraphs (a) to (ka) occurring by a specified date in relation to proposals relating to any other school or proposed school, the occurrence of such an event; and

m. where proposals are related to proposals for the establishment of new schools or discontinuance of schools, and those proposals depend on the occurrence of events specified in regulation 20 of the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007(5) the occurrence of such an event.

4.63 The Decision Maker **must** set a date by which the condition **must** be met, but will be able to modify the date if the proposers confirm (preferably before the date expires), that the condition will be met later than originally thought. The condition-to-be-met-by date **must** be before the proposed implementation date of the proposal (which can also be modified if necessary). Therefore care **should** be taken when setting condition-to-be-met-by dates, particularly if proposals are "related" e.g. if a school is proposed to add a sixth form on 1st September one year, and enlarge on 1st September the following year, and the enlargement requires planning permission, the condition set **must** be met before the addition of a sixth form can be implemented (the earlier proposal). This is because as "related" proposals, they **should** both have the same decision, which in this case, would have been approval conditional upon planning permission being met. The proposer **should** inform the Decision Maker and the Department (SOCU, DCSF, Mowden Hall, Darlington DL3 9BG or by email to school.organisation@education.gsi.gov.uk) of the date when a condition is modified or met in order for the Department's records, and those of Edubase to be kept up to date. If a condition is not met by the date specified, the proposals **must** be referred back to the Decision Maker for fresh consideration.

Decisions (Paragraphs 4.64-4.66)

4.64 All decisions **must** give reasons for the decision, irrespective of whether the proposals were rejected or approved, indicating the main factors/criteria for

(5) S.I. 2007/1288.

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the decision.

4.65 A copy of all decisions **must** be forwarded to:

- the LA or governing body who published the proposals;
- the trustees of the school (if any);
- the Secretary of State (via the School Organisation & Competitions Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by email to school.organisation@education.gsi.gov.uk);
- where the school includes provision for 14-16 education or sixth form education, the LSC;
- the local CofE diocese;
- the bishop of the RC diocese;
- each objector except where a petition has been received. Where a petition is received a decision letter **must** be sent to the person who submitted the petition, or where this is unknown, the signatory whose name appears first on the petition; and
- where the school is a special school, the relevant primary care trust an NHS trust or NHS foundation trust.

4.66 In addition, where proposals are decided by the LA, a copy of the decision **must** be sent to the Office of the Schools Adjudicator, Mowden Hall, Darlington DL3 9BG. Where proposals are decided by the schools adjudicator, a copy of the decision **must** be sent to the LA that it is proposed should maintain the school.

Can proposals be withdrawn? (Paragraph 4.67)

4.67 Proposals can be withdrawn at any point before a decision is taken. Written notice **must** be given to the LA, or governing body, if the proposals were published by the LA. Written notice **must** also be sent to the schools adjudicator (if proposals have been sent to him) and the Secretary of State – i.e. via the School Organisation & Competitions Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by email to school.organisation@education.gsi.gov.uk . Written notice **must** also be placed at the main entrance to the school, or all the entrances if there are more than one.

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Transitional Exemption Order – Role of Decision Maker (Paragraphs 4.68-4.69)

4.68 Single sex schools are not required to comply with certain provisions of the Sex Discrimination Act (SDA) 1975. When a single sex school becomes mixed it will automatically become subject to those requirements. Since the change from single sex to co-educational would normally be phased over a period of years by changing the admission arrangements to allow the admission of both sexes, the school would not be able to comply fully with the SDA requirements for some years. Transitional Exemption Orders relax the requirement to comply during the period before the school becomes wholly co-educational.

4.69 Where the Decision Maker receives statutory proposals to alter a single sex school to become co-educational, they **should** treat the proposals as an application for a Transitional Exemption Order and make the order if they approve the proposals.

Reconciling Policy, Performance and Resources: Capital Programme 2012/13 to 2015/16 ~ Commentary

1. Introduction

1.1 Cabinet requested a fundamental review of the capital programme, leading to the preparation of a draft programme which results in schemes that contribute to economic development be given priority, together with an increased emphasis on projects delivering policy steers. To deliver the review it was agreed to:

1. Identify specific economic development initiatives.
2. Critically review the current programme through to 2014/15.
3. Generate and assess new bids, including service transformation opportunities.

Members must also have regard to their duties under the Equality Act (Appendix 4).

1.2 It was accepted that committed projects (largely the current year's approvals) should continue. This meant that the fundamental review focused on projects or initiatives which would start in 2012/13 and beyond. Government grant funding for the Bexhill Hastings Link Road is assumed in this programme (at £56m), and, that the Department for Transport carry responsibility for funding the Baldslow Link Road.

1.3 For this year, onwards, we are looking to group capital and other bids and compare this with all capital and all one-off reserves availability rather than have a separate one off revenue bidding process. (This is subject to the normal limits that legally designated capital resources, such as borrowing, can not be spent on revenue items).

2. Resources

2.1 When considering the pot of resources available for allocation it is simplest to work with projections of the net resources (i.e. excluding specific external grants) rather than gross funding. In the context of the full programme, the net resources are shown at Annex 1A headed "Fundamental Capital Review and One-off Priorities".

2.2 The current Capital Programme agreed by County Council in February 2011 comprises projects totalling £295m of gross expenditure between 2011/12 and 2014/15. This was to be funded by £129m of the County Council's resources and the remainder from scheme specific Government grants.

2.3 Since the capital programme was agreed, work has been carried out during the year to complete a review of other reserves, the future prospects for capital receipts and also other normal revenue flexibilities at this time. Cabinet on the 15th November 2011 were advised of amounts which expanded resources by £97m to £226m but that was pending a full review of reserves. Since that date the overall financial position has been re-examined and a further £25m added to capital and one-off resources over the next 4 years.

2.4 The working assumption is that the County Council has £256m of its own resources available to fund capital projects and any other revenue bids, which are not the subject of specific grants, between 2012/13 and 2015/16. An analysis of the full resource position is shown at Annex 1B. Clearly, there may be further grant announcements to come with scope for additional resources for 2012/13 onwards.

2.5 To offset against this £256m of potential net resource, there remains £51m of committed schemes. A full list is at Annex 2 headed "Committed Programme". This means our current estimate of available net resources for 2012/13 through to 2015/16 is £205m.

3. The Capital Projects

3.1 Adopting the '2+2' budget discipline it is possible to fund schemes (and their tails of spend) starting in the first two years.

Annex 3 lists all the projects which are grouped in the following categories:

- Economic Development ED
- Highways HR
- Buildings Maintenance BR
- Primary School Places PSP
- Other Service Priorities OSP

3.2 The focus here is on net calls on resources i.e. scheme specific/direct grant funding. There are other schemes with an assessed net nil effect, which will form part of the final programme presented to County Council on 7th February, e.g. Lansdowne Secure Unit and Property Rationalisation. (Relying on earmarked capital receipts).

3.3 Consideration has been given to whether the project will be ready to start within the first 2 years (i.e. 2012/13 and 2013/14); projects which can assuredly commence in 2012/13 have been put at the start of the programme. The importance of an exact, or near settled spend profile (and there will be inevitable slippages), is to ensure that the known quantum of resources is directed at schemes which will be progressed within the phasing of the funding envelope.

3.4 The Baldslow link scheme, which was included in the draft list of schemes considered by Cabinet in November, is not currently in the list of bids on the basis it is primarily a DoT/Highways Agency scheme. (If members were to include it in the programme, the phasing would be uncertain, but likely to fall in the latter two years).

4. Future Potential Prior Calls on Resources

4.1 This programme covers all capital bids, but because of the importance placed by Cabinet, on integrating capital and revenue planning more closely, it is likely that we will need to take into account significant revenue bids against this resource. For example the emerging Children's Strategic Transformation Plan will require significant one off support. This is estimated at £9.7m over the next 2 years.

4.2 Our capital capacity comes from regular revenue contributions to the cost of new borrowing and also to the capital reserve. The challenge of future revenue funding and spend pressures adds pressure to these regular revenue contributions to capital, which in turn would put pressure on overall capital resources.

5. Summary of Resources to Support Capital Projects

Total	11/12 into	13/14	14/15	15/16	
	12/13				
	£m	£m	£m	£m	£m
			(indicative)	(indicative)	(indicative)
Total Net Call (Spend/Annex 3)	77	79	44	34	234
Net resource Available Phased/Annex 1)	(77)	(79)	(25)	(24)	(205)
Initial Gap = shortfall	-	-	19	10	29
Potential new grants			(19)	(10)	(29)

5.1 The standard approach adopted in preparing the capital programme has been retained. Under this model all existing schemes and all agreed new starts in the first two years of the programme are fully covered by resources. Schemes referred to in the latter two years of the programme are indicative and far less certain. They depend on more comprehensively worked up plans and costs, which will be available nearer the time, when a substantive decision can be taken. This gives the Council two years to develop its plans for the latter years. However, should members wish, they can allocate a sum of capital for these projects now. This would have a resultant impact upon the Capital Programme as currently proposed. The above assumes the Council's own capital resources are deployed in the first two years. Save for assumed capacity for new borrowing in 2014/15 and 2015/16 – no internal resources are available. An assumption has been made about the level of external grant funding for 2014/15 and 2015/16.

6. Risk management

6.1 In the usual way, the decision for schemes to proceed will only be made when a sound Project Initiation Document (including and EQIA, where appropriate) is in place. In addition, schemes relying in part or whole on external ring fenced resources will only be able to proceed when those resources have been securely confirmed. Beyond that the shape of the gross programme is dominated by some large external grant assumptions (e.g. Link Road, and also Broadband).

7. Prudential indicators

7.1 The draft prudential indicators for the period 2011/12 to 2014/15 are set out in Annex 4. These are required under the "Prudential Code for Capital Finance in Local Authorities" and Part 1 of the Local Government Act 2003. They bring together the capital programme and the impact of capital financing decisions.

8. Conclusions

8.1 When agreed, the draft Capital Programme will be finalised at Annex 5. The total programme amounts to £491m gross. This is heavily supported by scheme specific resources including Government grant of £206m which carries an additional element of risk and uncertainty. There are many major projects covering most services and in the current economic climate such a bold programme is to be welcomed.

Annexes

- 1 – Fundamental Capital Review and One-off Priorities
- 2 – Committed Programme
- 3 – New projects bids summary – net call on resources
- 4 – Prudential Indicators
- 5 – Proposed Programme

FUNDAMENTAL CAPITAL REVIEW AND ONE OFF PRIORITIES					
	2011/12 into 2012/13	2013/14	2014/15	2015/16	Total
	£m	£m	£m	£m	£m
Summary of all resources					
Current Gross Programme (agreed February 2011)	198.200	74.400	22.100		294.700
Scheme Specific Income (including developer contributions)	118.200	43.300	3.900		165.400
Net Declared Resources @ Feb 2011	80.000	31.100	18.200		129.300
ADD:					
(i) Late Grant Announcement	36.000				36.000
(i) Contingency	5.000				5.000
(ii) Additional Capital Receipt	3.000	1.000	1.000		5.000
(iii) Waste Reserve Release	30.000				30.000
(iv) Further Normal General Resource in 2015/16 From Cabinet 15.11.11				21.000	21.000
	154.000	32.100	19.200	21.000	226.300
ADD:					
(v) Use of internal borrowing provision	3.000	2.000	1.000		6.000
(vi) Unspent 11/12 Budget Capacity	3.700				3.700
(vii) Reduce Insurance Reserve	2.500				2.500
(viii) Council Tax Freeze Grant (Residual)	4.000				4.000
(ix) Additional Grant - Basic Needs (announced 03.11.12)	2.500				2.500
(x) Treasury Management underspend	2.000				2.000
(xi) New Homes Bonus (Provisional)	0.800	0.800	0.800	0.800	3.200
(xii) Additional Transport Grant (announced 14.12.11)	0.500				0.500
(xiii) Improved Council Tax Base (12/13) Estimate.	2.700				2.700
(xiv) Realignment of non specific LTP grant previously in programme	0.900	0.900	0.900		2.700
Provisional Net Resource Available to 2015/16	176.600	35.800	21.900	21.800	256.100
Committed Spend (Annex 2)	46.106	5.365	0.070	(0.180)	51.361
Effective Net Resource Available	130.494	30.435	21.830	21.980	204.739
Net Call on Resource					
Economic Development	19.738	34.651	15.257	15.099	84.745
Highways Related	18.630	13.380	13.994	14.107	60.111
Buildings Related	3.300	3.300	3.300	3.200	13.100
Schools Places	3.697	3.500	3.000		10.197
Particular School Priorities	2.400	3.800			6.200
Efficiency / Transformation	6.521	7.013	5.700	2.700	21.934
Other Service Priority	23.169	13.350	2.281	(1.331)	37.469
Total Call on Effective Net Resource Available	77.455	78.994	43.532	33.775	233.756

MINUTES

EAST SUSSEX COUNTY COUNCIL

MINUTES of a MEETING of the EAST SUSSEX COUNTY COUNCIL held at COUNTY HALL, LEWES on TUESDAY, 7 FEBRUARY 2012 at 10.00 am.

Present Councillors Barnes, Belsey, Bennett, Bentley, Birch, Daniel, Dowling, Elkin, Ensor, Fawthrop, Field, Freebody, Freeman, Glazier, Harris, Healy, Heaps, Howson, Jones, Kenward, Lambert, Livings, Lock, Maynard, O'Keeffe, Pragnell, Reid, Rodohan, Rogers OBE, Scott, S Shing, Simmons, Sparks, Stogdon, St Pierre, Stroude, Taylor, Thomas, Thompson, Mrs Tidy, Tidy, Tutt, Waite, Webb and Whetstone.

50. Minutes of Last Meeting

50.1 RESOLVED - to confirm the minutes of the meeting of the County Council held on 6 December 2011 as a correct record.

51. Apologies for absence

51.1 Apologies for absence were received from Councillors Gadd, Ost and D Shing.

52. Chairman's Business

NEW YEAR'S HONOURS

52.1 On behalf of the Council the Chairman congratulated all who worked or lived in East Sussex who had been recognised in the New Year's Honours. In particular, the Chairman congratulated Councillor Bob Tidy who had been awarded an MBE for services to local government and the community, to Hilary Lane who retired in 2011 from the post of the Council's Cultural Strategy Manager and who was awarded an MBE, and Des Prichard (Chief Fire Officer and Chief Executive of the East Sussex Fire and Rescue Service) who was awarded an OBE.

ADVERSE WEATHER

52.2 On behalf of the Council, the Chairman expressed his thanks to all officers who had ensured that services had been maintained during the snow and ice that had been seen over the previous few days.

CHAIRMAN'S ACTIVITIES

52.3 I have attended a number of engagements since the last County Council meeting including: attending the carol service at Lewes Prison, the Albion in the Community Reception at the House of Commons, Heathfield Works! Presentation by Tomorrow's People and the presentation by the Lord Lieutenant of Duke of Edinburgh Gold Awards at which I welcomed the guests. I visited the Respond Academy, an alternative education and youth project in Hastings and hosted a

MINUTES

(i) provide a sum of £1.5m to help mitigate and smooth high impact effects over the next 3 years, arising from the planned changes in the Adult Social Care service offer

(ii) provide a sum of £0.5m over the next 2 years as an investment in street lighting refurbishment to help compensate for the Cabinet announced proposed annual reduction in street lighting maintenance

(iii) to provide the sum of £0.5m to use over the next three years, to help mitigate and smooth any high impact reduction in the Children's Services care offer

(iv) to finance the above with an additional £2.5m reduction in the total of earmarked reserves.

56.4 The following motion moved by Councillor Glazier, to adopt paragraph 1 of the Cabinet report was CARRIED:

(1) approve the Capital Programme in relation to schemes in progress or about to start and those to start in 2012/13 and 2013/14 and to note the schemes provisionally included in the capital Programme in future years as set out in Annex 5 of Appendix 1;

(2) note the prudential indicators as set out in Annex 4 of Appendix 1;

(3) approve the revenue budget estimates for 2012/13 as set out in Annex 3 (a) of the commentary on the Revenue Budget circulated to all members (Appendix 2);

(4) in accordance with the Localism Act 2011 to agree that:

(i) the net budget requirement is £356.351m and the amount calculated by East Sussex County Council as its council tax requirement for the year 2012/13 is £240.824m;

(ii) the amount calculated by East Sussex County Council as the basic amount of its council tax (ie for a band D property) for the year 2012/13 is £1158.30 and represents a 0% increase on the previous year

(5) the borough and district councils be advised of the relevant amounts payable and council tax in other bands in line with the Regulations and to issue precepts accordingly in accordance with the Agreed schedule of instalments (Appendix 2 Annex 3B)

57. Cabinet Report – Reserved paragraphs

57.2 Councillor Jones moved the reserved paragraphs of the Cabinet's report.

57.3 The motions were CARRIED after debate.