

Meeting: Council

Date: 18 October 2018

Wards Affected: Goodrington with Roselands Ward/All Paignton

Report Title: Capital Funding to support additional places at Roselands Primary

Is the decision a key decision? Yes

When does the decision need to be implemented? For September 2019

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1. Proposal and Introduction

- 1.1 Officers seek approval from Council to fund an additional classroom at Roselands Primary school from the 2019-20 Basic Need funding allocation and Children Services Capital Programme. This is needed as a short term solution to meet the Council statutory obligation of providing sufficient primary places in Paignton
- 1.2 In addition to the new classroom Council are being asked to authorise the transfer of additional land adjoining the school at nil cost to ensure the total site is sufficient for the additional pupil numbers, a plan of this land is available at Appendix 2.
- 1.3 The land will be transferred by the way of a 25 year lease that will contain appropriate clauses restricting the use for educational purposes and appropriate clawback provisions. The land is currently leased to the TCCT at a peppercorn rent with regular break provisions. Therefore there is no impact on the revenue received to the Council by making this decision.
- 1.4 Pupil forecasts and admissions data indicate a shortfall of primary school places in the Paignton area from 2018 onwards. Additional school places are required to meet demand.
- 1.5 The Department for Education (DfE) recognises Paignton as an area of significant growth and has approved funding for a new primary free school. The opening of the free school was originally planned for September 2018 in recognition of the spike in demand. However, the opening of the new primary school has been delayed until September 2020. This means the Council needs to provide additional temporary places for the next 2 years in order to meet demand prior to the new school opening in September 2020.
- 1.6 Officers have secured an agreement with Roselands Primary School for the school to admit a bulge class of an extra 15 pupils per year for the next two years. Their

Planned Admission Number (PAN) is 45 but they will have admitted 60 in September 2018 and will take 60 again in September 2019. This is temporary growth and the school will return to its substantive PAN of 45 from September 2020.

- 1.7 In order to accommodate the additional 30 pupils (15 in September 2018 and 15 in September 2019), the school requires the provision of an additional classroom which Officers are seeking approval from members to fund.

2. Reason for Proposal and associated financial commitments

- 2.1. The Council has a statutory duty to ensure there are sufficient school places to meet demand. The approval for a new primary free school by the DfE was welcomed by Officers as it helps the Council meet this duty with minimal cost to the Authority; the DfE will fund the opening and setting up of the new school with the Council providing a relatively small capital contribution towards the site acquisition.
- 2.2. However, the original application sought an opening date of September 2018. This has been delayed by two academic years due to problems securing a suitable school site. A site for the free school has now been purchased by the DfE and the plans for the new school are proceeding with a revised opening date of September 2020.
- 2.3. As a result of the delayed opening, the Council needs to find a short term solution to manage the shortfall of primary provision in the Paignton area for two academic years – 2018/19 and 2019/20. Roselands Primary have agreed to admit a bulge class of an extra 15 pupils per year for those two years. To accommodate the additional 30 pupils the school will require an additional classroom from September 2019. They can manage for one year because of the way in which they structure their Reception class but they will need the extra room from September 2019. The new classroom will then be needed for a minimum of 8 years while the bulge classes move through the school year groups.
- 2.4. A feasibility study of the school site has identified three options for providing this extra classroom; these are detailed in Section 3 of the Supporting Information Document. Officer's proposal is to fund Option 3 as this option will provide the school and Council with the best educational outcomes and ensure that the school can expand further in the future if required.
- 2.5. This proposal will commit the Council financially to Capital Funding up to £599,720.
- 2.6. At the same time as agreeing to take extra pupils the school have highlighted the difficulties of their existing small site and have requested that some additional Council land adjacent to the school be incorporated in to their school boundary. The additional land would ensure that the school had sufficient external play area for the numbers of pupils they will have on roll and allow for future expansions, if necessary. The school will still take the additional pupils but without the additional land teaching and learning for all pupils will be affected. Their request is covered in more detail in Section 2 of the Supporting Information.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Director of Children's Services be given delegated authority to allocate up to £599,720 from the 2019-20 Basic Need Allocation and Children Services Capital Programme to support the provision of an additional classroom at Roselands Primary School.
- 3.2 That the transfer of the land edged red shown at Appendix 1 to the submitted report, by way of a 25 year lease at nil cost to Roselands School under the Local Government Act 1972: General Disposal Consent 2003, be approved.

Appendices

Appendix 1: Map of land to be transferred

Appendix 2: Roselands School Consultation

Background Documents

- Review of School Places in Torbay 26 February 2015
- Relocation of Torbay School and a New Primary School in Paignton 25 February 2016
- New Primary School in Paignton 21 July 2016
- Amendment to Children Services Capital Programme to enable Acquisition of site for new Primary School in Paignton 8 August 2017
- School Place Planning & Basic Need Grant PDDG Report 6 November 2017
- Financial Contribution to the Acquisition of site for new Primary School in Paignton 22 February 2018

SUPPORTING INFORMATION

Section 1: Background Information	
1.	<p>What is the proposal / issue?</p> <p>As a result of the delayed opening of the new Paignton primary school, the Council needs to find a short term solution to manage the shortfall of places for two academic years – 2018 & 2019. Roselands Primary have agreed to admit a bulge class of an extra 15 pupils per year for the next two years.</p> <p>Roselands Primary is a popular and successful school in an area of high and growing demand. Applications for this school consistently exceed the number of places available. As they are a 1.5 form of entry school (i.e. 45 per year group), they run with 2 Reception classes of 23 and 22 and then they move in to mixed age year groups from Year 1. This means that they can take 15 additional pupils for one year in Reception without the need for an extra classroom. However, the school will need extra room from September 2019. The new classroom will then be needed for a minimum of 8 years while the bulge classes move through the school year groups.</p> <p>Recommendation 3.1 is for Council to approve funding to remodel the existing admin area and staff room to create the new classroom and then provide a new entrance and admin area. This would provide the school with the required additional teaching space without comprising its existing external play space which is already smaller than recommended. It will also address existing access issues within the school and future proof a popular and successful school for further expansion.</p> <p>In addition to the extra classroom, the school is also requesting some additional Council land adjacent to their site be incorporated into their school boundary. The additional land would help address the shortfall of external space that the school currently has for the number of pupils they will have on roll and allow for future expansions if necessary.</p> <p>Recommendation 3.2 is for members to approve the transfer of the land set out in Appendix 2 to Roselands School on a 25 year lease. The transfer would be at “less than best” with nil income to the Council in return for the school increasing their Planned Admission Number (PAN) as and when the Council request it.</p>
2.	<p>What is the current situation?</p> <p>The Council and school have a duty to ensure that the quality of education they provide and their outcomes are not adversely affected by the school admitting above PAN. The PAN is based on a school’s Net Capacity assessment. This is a calculation which sets out the total number of pupils that a school can admit based on its available teaching space. Therefore, any pupils the school admits above their PAN would be placing pressure on</p>

	<p>available teaching spaces. Roselands Primary PAN is 45 and its Net Capacity is 315 pupils.</p> <p>The school building, in particular the hall, are already undersized for the existing number of children attending and the bulge classes will place extra pressure on school facilities. The site area of the school is also below the recommended area for a school with a PAN of 45.</p> <p>Roselands Primary have agreed to admit over their PAN again for September 2019 on the understanding that an additional classroom will be provided to support them in continuing to deliver high quality education.</p> <p>In addition to the extra classroom, the school is also requesting some additional Council land adjacent to their site be incorporated into their school boundary. The land is owned by the Council but is currently held on licence by the Torbay Coast and Countryside Trust (TCCT). It is also identified as an Urban Landscape Protection Area in the Local Plan. Disposal and transfer of the site has been considered and is supported by the Council’s Strategic Land Task Group. The school have undertaken their own consultation with parents and local residents and this feedback is summarised in Appendix 3.</p> <p>As part of the land transfer, Officers would seek planning approval for the change in designation. The lease would stipulate the land can only be used as a playing field/playground. The Academy would be liable for legal costs for the lease and also the costs of establishing a new perimeter fence.</p> <p>Recommendation 3.2 is for members to approve the transfer of the land set out in Appendix 2 to Roselands School on a 25 year lease. The transfer would be at “less than best” with nil income to the Council in return for the school increasing their Planned Admission Number (PAN) as and when the Council request it.</p> <p>Without the additional land, the school will not be able to expand in future. Pupil forecasts indicate that Paignton primary numbers will continue to grow for the foreseeable future. Even after the new Primary Free School opens in 2020, there will be a need for further primary expansion within the next five to ten years. The Council needs to ensure that there are viable options for further expansion after the free schools programme has been delivered. The expansion of Roselands would provide a solution if the second free school for the area does not proceed.</p>
<p>3.</p>	<p>What options have been considered?</p> <p>Alternative options considered to meet the shortfall of places include:</p> <p>Bringing forward the opening of the new school through:</p> <ul style="list-style-type: none"> • Opening in temporary accommodation; this option would be costly and the cost would need to be covered by the Council. Plus there is no site readily available to house the accommodation. • A phased opening; the site is already restricted and there would be considerable health & safety issues. Plus potentially this could impact on delivery of the new school and lead to further delays through restricted working/access

Utilising provision in other planning areas:

- Whilst places might be available in other planning areas, they would not be in the local community and the Council would be required to fund the additional transport costs for the next 7 years.

Maintaining status quo:

- The Council would not be effectively managing demand and could face unknown costs arising from legal challenge or increased transport costs.
- Detrimental effect on Roselands Primary which has already admitted over PAN for one to allow the Council to meet its statutory duty.

Feasibility options to provide additional classroom at Roselands:

	PROPOSED WORKS	COST	PROS	CONS
1	Classroom extension access through toilets (108m ²)	£361,000 (£3,300 per m ²)	<ul style="list-style-type: none"> • This is the most affordable solution overall 	<ul style="list-style-type: none"> • Negative impact on existing classrooms/ blocking natural light more reliant on artificial lighting • Reduces play area which is already below minimal requirements • Restricts future development of site • Does not address existing site issues • Not value for money in terms of cost per m2 • Potential loss of 2 toilet cubicles impacting on number of toilets in an expanding school
2	Classroom extension access through existing classroom (108m ²)	£380,000 (£3,500 per m ²)	<ul style="list-style-type: none"> • This option is more affordable than option 3 	<ul style="list-style-type: none"> • Negative impact on existing classrooms/ blocking natural light • Reduces play area which is already below minimal requirements • Restricts future development of site • Does not address existing site issues • Not value for money in terms of cost per m2 • Logistic/management issues of accessing a classroom through another classroom
3	Remodel existing admin/staff room to provide classroom & new entrance (210m ²)	£599,720 (£2,800 per m ²)	<ul style="list-style-type: none"> • Address existing site issues • Significantly improve access and flow of staff & pupils • New class is integral rather than add on • Most cost effective per m2 	<ul style="list-style-type: none"> • This is the more expensive option • This option would need to be phased so the build time is slightly longer/ greater impact on the school during construction

	<table border="1" data-bbox="312 76 1425 174"> <tr> <td data-bbox="312 76 360 174"></td> <td data-bbox="360 76 539 174"></td> <td data-bbox="539 76 679 174"></td> <td data-bbox="679 76 1050 174"> <ul style="list-style-type: none"> • Future proofs the school for further development/expansion </td> <td data-bbox="1050 76 1425 174"></td> </tr> </table> <p data-bbox="312 215 1425 358">Officer's recommendation (recommendation 3.1) is to implement Option 3 as it will provide the school and the Council with the best educational outcomes. It allows for future development of the site whilst not negatively impacting on school's existing external play space.</p> <p data-bbox="312 398 1425 582">It is acknowledged that it is the most expensive option but is the most cost effective because it will ensure that the school can expand in the future without significant extra investment. This is an important consideration for the Council as pupil growth in Paignton is forecast to continue and further school places are likely to be required within the next 5 years.</p>				<ul style="list-style-type: none"> • Future proofs the school for further development/expansion 	
			<ul style="list-style-type: none"> • Future proofs the school for further development/expansion 			
<p data-bbox="169 654 201 685">4.</p>	<p data-bbox="312 654 1425 725">How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</p> <p data-bbox="312 766 1425 837">The proposal supports the Council's Corporate Plan as it ensures the delivery of additional school places in an area of significant growth and regeneration.</p>					
<p data-bbox="169 913 201 945">5.</p>	<p data-bbox="312 913 1425 985">How does this proposal contribute towards the Council's responsibilities as corporate parents?</p> <p data-bbox="312 1025 1425 1097">The proposal helps ensure all children have access to a school place within a reasonable distance from their home location.</p> <p data-bbox="312 1137 1425 1240">The places are being provided at a popular and successful school, helping to ensure that each child is given the best possible start in life to achieve and succeed.</p>					
<p data-bbox="169 1317 201 1348">6.</p>	<p data-bbox="312 1317 1425 1348">How does this proposal tackle deprivation?</p> <p data-bbox="312 1388 1425 1460">This proposal tackles inequality by giving every child a school place giving them the best possible opportunity to achieve and succeed.</p>					
<p data-bbox="169 1505 201 1536">7.</p>	<p data-bbox="312 1505 1425 1536">How does this proposal tackle inequalities?</p> <p data-bbox="312 1576 1425 1648">This proposal tackles inequality by ensuring that every child has the opportunity to access a school place.</p>					
<p data-bbox="169 1693 201 1724">8.</p>	<p data-bbox="312 1693 1425 1724">How does the proposal impact on people with learning disabilities?</p> <p data-bbox="312 1765 1425 1868">The proposal has no direct impact on those with learning difficulties as the provision is not specialised. However, any pupils identified as having special educational needs will be supported in their placement by the Council.</p>					

9.	Who will be affected by this proposal and who do you need to consult with? Parents and children in Paignton will benefit from the provision of sufficient school places in the area. Other key stakeholders affected are the staff, parents and pupils at Roselands Primary School, the ESFA, the Department of Education and the Regional Schools Commissioner.
10.	How will you propose to consult? Meetings and ongoing dialogue with the key stakeholders. Consultation has also already taken place with parents and residents – see Appendix 3.

Section 2: Implications and Impact Assessment

11. What are the financial and legal implications?

The financial implication of approving this proposal is £599,720 of additional capital expenditure.

The Council has been allocated £559,482 Basic Need funding in 2019/20 for providing additional primary school places. This funding has not yet been allocated to any schemes. Officers are requesting that this Basic Need be allocated to Roselands Primary School. The balance of £40,238 would be funded from savings made on other schemes already approved within the Children's Services Capital Programme.

In April 2018 the Council approved Officers recommendation to relocate the Council's Medical Tuition Service (MTS) to MyPlace. The decision included the funding of the proposal from 'any unallocated sums within the existing Children's Services Capital Programme'.

In approving the proposal, Members acknowledged the needs of the service. Recognising that the existing accommodation was unsuitable and that the Council was at risk of an enforcement order from the DfE. Members also saw the advantages of a co-location of services in securing the long term sustainability of MyPlace.

Following Council approval, the MTS relocation is being implemented and the latest costings indicate that the scheme will need all of the £600,000 prudential borrowing approved/allocated.

If the MTS project was suspended so that the funding could be re-directed to cover the costs of this proposal then there would be abortive costs of approximately £25,000. The Council would still need to address the accommodation needs of MTS and the long term sustainability of MyPlace both of which will have a cost implication.

The legal implications are for the additional land requested by the school to be held on a 25 year lease. The transfer would be at "less than best" with nil income to the Council in return for the school increasing their Planned Admission Number (PAN) as and when the Council request it.

12. What are the risks?

If the Council is unable to support the school's request for additional accommodation then it would not be able to offer additional Reception places for the forthcoming academic year.

This would place the Council at risk of breaching its statutory school place planning duty.

The school have already admitted 15 extra pupils in September 2018. Without any additional accommodation when they move in to year 1 the

	<p>school would be forced to teach in very large classes which would mean they would be in breach of the Infant Class Size legislation and there would be a severe impact on the teaching and learning experience of all pupils. There would be considerable objection from parents and staff.</p>
13.	<p>Public Services Value (Social Value) Act 2012</p> <p>All works procured in connection with the new accommodation will be procured in line with the Public services Value Act 2012.</p>
14.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Paignton continues to experience a period of growth through increased birth rates and housing being delivered quicker and in greater quantities than originally anticipated. Admissions data and projections show there is insufficient capacity to meet demand from 2018 onwards or provide the 5-10% surplus recommended to meet parental preference, in-year admission and any unforeseen growth.</p> <p>This data has been scrutinised by the DfE and underpins their decision to approve a new 210 place primary school in the area. This has also been presented to Members in previous reports and presentations.</p>
15.	<p>What are key findings from the consultation you have carried out?</p> <p>Following discussions with the head teacher and the Academy Trust it has been agreed that Roselands Primary will admit above PAN for September 2018 and 2019 on the understanding that the Council funds an additional classroom for the reasons stated in Paragraph 2 above.</p>
16.	<p>Amendments to Proposal / Mitigating Actions</p> <p>As the consultees are supportive of the proposal no amendments or mitigating actions are proposed.</p>

Equality Impacts

17.	Identify the potential positive and negative impacts on specific groups		
	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	Sufficient Reception places to meet local demand School places provided within a reasonable distance from home location Expansion of a popular and successful school Optimum learning environment in line with DfE recommendations		
People with caring Responsibilities	Sufficient Reception places to meet local demand School places provided within a reasonable distance from home location Expansion of a popular and successful school Optimum learning environment in line with DfE recommendations		
People with a disability	Any provision will be fully DDA compliant &, wherever possible, look to address existing issues on the site		
Women or men			No differential impact
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			No differential impact
Religion or belief (including lack of belief)			No differential impact
People who are lesbian, gay or bisexual			No differential impact

	People who are transgendered			No differential impact
	People who are in a marriage or civil partnership			No differential impact
	Women who are pregnant / on maternity leave	Sufficient reception places to meet local demand School places provided within a reasonable distance from home location Expansion of a popular and successful school		
	Socio-economic impacts (Including impact on child poverty issues and deprivation)	Ensuring all children have the best possible opportunity to thrive and succeed		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			No differential impact
16	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	Local investment in the Paignton area into improved infrastructure, industrial and retail outlets and the completion of large housing developments is placing significant pressure on school places in the area. Insufficient primary provision to meet demand will mean the Council is in breach of its statutory duty and will be not meeting it's priority to give every child the best possible stat in life School Place Planning needs to support this investment and the aims of the Council's Local Plan. Schools have a role to play in creating an attractive and sustainable community.		
17	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	No differential impact		