

# REPORT FOR: **SPECIAL CABINET**

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<b>Date of Meeting:</b>	16 February 2015
<b>Subject:</b>	Determination of Statutory Proposals to Expand Grimsdyke School
<b>Key Decision:</b>	Yes
<b>Responsible Officer:</b>	Hugh Peart, Director of Legal and Governance Services
<b>Portfolio Holder:</b>	Councillor Simon Brown – Portfolio Holder for Children, Schools and Young People
<b>Exempt:</b>	No
<b>Decision subject to Call-in:</b>	(please see end of report)
<b>Wards affected:</b>	Hatch End
<b>Enclosures:</b>	Appendix 1 – Call-In Notice by 8 Members of Council  Appendix 2 – Minutes of the Call-In Sub Committee – 2 February 2015  Appendix 3 – Cabinet Minute Extract – 15 January 2015  Appendix 4 – Cabinet Report – 15 January 2015

## **Section 1 – Summary and Recommendations**

This report sets out the decision of the Call-In Sub-Committee held on 2 February 2015 following the receipt and consideration of a Call-In notice in relation to the Cabinet decision of 15 January 2015 on Determination of Statutory Proposals to Expand Grimsdyke School.

### **Recommendations: That**

- (1) in accordance with Committee Procedure Rule 45.8.3, the decision of Cabinet on 15 January 2015, as set out in Appendix 3, in relation to Determination of Statutory Proposals to Expand Grimsdyke School be re-considered as a result of the decision of the Call-In Sub-Committee;**
- (2) the original Cabinet decision of 15 January 2015 be confirmed or amended in light of the Call-In Sub-Committee's comments.**

**Reason (For recommendation):** In accordance with Committee Procedure Rule 45.8.3, Cabinet must reconsider its decision within 10 clear working days of a referral by the Call-In Sub-Committee.

## **Section 2 – Report**

### **Introductory paragraph**

On 15 January 2015, Cabinet agreed that the statutory proposals to permanently expand Grimsdyke School by one form entry (30 pupils) from 1 September 2015 be approved. The report considered by Cabinet is attached at Appendix 4.

On 22 January 2015, a Call-In Notice signed by 8 Members of Council (all Conservative Members) was received citing the grounds of (a) inadequate consultation with stakeholders prior to the decision and (b) the absence of adequate evidence on which to base the decision. The Call-In Notice is attached at Appendix 1. Grounds (a) and (b) were validated and a meeting of the Call-In Sub-Committee was held on 2 February 2015 to consider the Call-In notice. The subsequent reference arising from the Sub-Committee meeting is attached at Appendix 2 for Cabinet Members' consideration.

The Sub-Committee agreed that the call-in on ground (b) be upheld as it was believed that the evidence provided to Cabinet was too broad and strategic for the borough and should have been more focused and specific to Grimsdyke School particularly in relation to the traffic management issues.

They also agreed that the remaining ground for call-in, (a), be not upheld.

In accordance with Committee Procedure Rule 45.8.3, Cabinet must reconsider its original decision within 10 clear working days of a referral by the Call-In Sub-Committee. Cabinet is requested to either confirm or amend its decision of 15 January 2015 in relation to this matter.

### **Options considered**

Cabinet is requested to either confirm or amend the decision of 15 January 2015 having considered the referral by the Call-In Sub-Committee.

### **Post Call-In Comments**

In respect of the decision and Call-in process, the following comments are provided by Officers:

The Cabinet report set out the representations made by local residents in relation to traffic issues around the site. It is fair to say that traffic issues are amongst the most common concerns raised for all the school expansion proposals and a lack of written representations on other sites, following a consultation period, should not be taken as a sign that local residents were less concerned about the issue at those sites than at Grimsdyke, as these issues were raised during the preliminary consultation phase. The original report confirms how traffic congestion issues are addressed by schools in general and also refers to the Governing Body's response around an updated Travel Plan.

It is important that Cabinet recognise the different decisions to be made around school expansion proposals and planning permission for new school buildings. When making decisions on school expansion proposals, the Department for Education has published guidance for decision makers. This highlights the need to particularly consider:

- (1) education standards and diversity of provision;
- (2) demand;
- (3) school size in relation to financial viability and cost effectiveness;
- (4) proposed admission arrangements;
- (5) national curriculum;
- (6) equality issues;
- (7) community cohesion;
- (8) travel and accessibility;
- (9) capital;
- (10) use of school premises and playing fields;
- (11) views submitted during the expansion consultation and
- (12) representations about the statutory proposals.

Appendix 2 to the Cabinet Report refers to the representations made, specifically in relation to traffic and congestion and makes it clear that the proposal will require a building programme, for which planning permission would be needed and that a planning application would be considered by the Council's planning committee.

The planning process is a separate statutory process and interested parties, as well as statutory consultees, are entitled to make representations to the council on a planning application. Whilst Cabinet should consider all relevant representations, traffic and highway issues resulting from planned building works are primarily a matter to be considered by the planning committee, following consultation with the highways department. There are a number of ways in which traffic and highway concerns can be addressed and these will be considered during the design stage and through the planning process.

### **Legal Implications**

As set out in the Cabinet Report.

### **Financial Implications**

As set out in the Cabinet Report.

### **Equalities implications / Public Sector Equality Duty**

As set out in the Cabinet Report.

### **Council Priorities**

As set out in the Cabinet Report.

### **Section 3 - Statutory Officer Clearance**

Name: Simon George



Chief Financial Officer

Date: 6 February 2015

Name: Sarah Wilson



on behalf of the  
Monitoring Officer

Date: 5 February 2015

**Ward Councillors notified:**

**YES**

**EqIA carried out:**

**YES**

**EqIA cleared by:**

Corporate Equalities  
Impact Assessment  
Quality Assurance Group

### **Section 4 - Contact Details and Background**

#### **Papers**

**Contact:** Vishal Seegoolam. Senior Democratic Services Officer,  
tel 020 8424 1883, vishal.seegoolam@harrow.gov.uk

#### **Background Papers:**

Minutes of the Call-In Sub-Committee – 2 February 2015 as per Appendix 2 of this report.

**Call-In Waived by the  
Chairman of Overview  
and Scrutiny  
Committee**

*(for completion by Democratic  
Services staff only)*

**NOT APPLICABLE**

**Call-in does not apply if  
the original decision of  
Cabinet on 15 January  
2015 is confirmed.**

**However, if the original  
decision is amended,  
Call-in will apply.**