	<p style="text-align: center;"><b>Cabinet</b> 16 March 2015</p> <p style="text-align: center;"><b>Report from the Strategic Director Children and Young People and the Strategic Director Regeneration and Growth</b></p>
Wards Affected: ALL	
<p><b>Determination of the proposal to permanently expand Byron Court Primary School by two forms of entry in September 2015</b></p>	

## 1. Summary

- 1.1 In line with the School Place Planning Strategy approved by Cabinet in October 2014, the Governing Body of Byron Court Primary School in partnership with Brent Council has proposed to alter the school by adding two forms of entry (2FE). If approved this will become a five form of entry primary school (5FE).
- 1.2 This report informs the Cabinet of the outcome of the statutory consultation on the proposal to alter Byron Court Primary School through permanent expansion from September 2015 and recommends that the statutory proposal to expand the school be approved.
- 1.3 The representation period on the proposals ended on 19 February 2015, having been extended by one week following representations from consultees. This report also informs the Cabinet of the responses to the consultation.

## 2. Recommendations

- 2.1 The Cabinet is recommended to:
- 2.2 Acknowledge that the responses to the consultation raise a range of issues centred around residents' concerns about traffic congestion and that officers will ensure that these are fully addressed in the planning process
- 2.3 Approve the permanent expansion of Byron Court Primary School, a community school, by two forms of entry from September 2015, (conditional upon the grant of full planning permission under the Town and Country Planning Act 1990 by September 2015 or at such date as agreed by the Strategic Director of Children and Young People and the Strategic Director of Regeneration and Growth).

- 2.4 Note that the reason for approving the alteration of Byron Court Primary School is to provide sufficient permanent primary school places in line with the council's statutory duties and its School Place Planning Strategy 2014.

### 3. Background

- 3.1.1 In October 2014, the Cabinet approved a new School Place Planning Strategy. This established the need for a continuing programme of provision of additional school places and, for the first time, a set of principles which the council would use to determine its future decision making on school place planning. These were established in the context of the overall objective of securing sufficient high quality school places for all Brent's children in line with the council's statutory responsibilities.

- 3.1.2 These sixteen principles are set out at Appendix 1, but the ones which are particularly relevant to this proposed expansion are:

**Principle 1:** We will only undertake expansions of good or outstanding schools where leadership is secure

**Principle 3:** We will actively consider two site schools and 5FE schools where there is leadership and management capacity

**Principle 9:** We will continue planning primary places using planning areas

**Principle 13:** We will consider how community benefits from school facilities can be maximised when we expand or build new schools

**Principle 14:** We will consult with local communities as part of the planning process to minimise/mitigate the impact of new school developments

**Principle 16:** After assessing educational suitability, schemes for expansion or new schools will be judged in terms of value for money and deliverability

The strategy also established that the council would aim to meet the DfE guideline of having a five per cent vacancy rate to allow for mobility and fluctuations as well as to support parental preference. Currently the vacancy rate in Brent primary schools is 2.1 per cent.

- 3.1.3 The Strategy identified a total primary requirement for the opening of 23 additional forms of entry by 2018. This requirement is confirmed by the new set of GLA roll projections which have been recently received. Members will recall that the strategy set out the list of planned permanent new places in Brent which included Byron Court:

Table 1: Planned permanent new places for September 2015

	No. of places	No. of FE	Will be total FE
Wembley High Technology College	840	4	4
Uxendon Manor Primary	420	2	4
Elsley Primary	420	2	4
Stonebridge Primary	210	1	3
Islamia Primary	210	1	2
Malorees Infants and Juniors	210	1	3
Byron Court Primary	420	2	5
Leopold (Gwenneth Rickus)	420	2	4
Kilburn Grange (Free School)	420	2	2

Oakington Manor Primary*	210	1	4
<b>Total number of places</b>	<b>3,780</b>	<b>18</b>	

\*Now scheduled for September 2016

Table 2: Planned permanent new places for September 2016

	<b>No. of Places</b>	<b>No. of FE</b>
Oriental City site	420	2
Quintain site	630	3
Carlton Vale Infants and Kilburn Park (South Kilburn regeneration)	210	1
<b>Total number of places</b>	<b>1,260</b>	<b>6</b>

Table 3: Planned permanent new places for September 2017

	<b>No. of Places</b>	<b>No. of FE</b>
Stanley Avenue Alperton site	630	3

- 3.1.4 This shows a programme of expansion right across the borough. The greatest pressure on places as described in the strategy, however, is in the north of the borough where even with the new places as planned, there is a potential shortfall in Planning Area 1 (Queensbury/Fryent) and a very small predicted vacancy factor in Planning Area 2 (Kingsbury/Kenton) where Byron Court is situated (see paragraphs 3.1.5 to 3.1.7 and tables 4 and 5). Ninety additional Reception places are coming on stream at Wembley High Technology College in September 2015 but these will be expected to meet the shortfall for Planning Area 3 (Wembley/Sudbury/Alperton) as Sudbury Primary School is already at maximum size and there is no new school site identified in that area of high need.
- 3.1.5 To meet additional demand in the current academic year, Byron Court has opened one bulge class on site and is managing two additional temporary Reception classes in portacabins at Ashley Gardens. There are currently 748 children in Brent being educated temporarily in offsite annexes and while plans are underway to bring 562 of them into permanent arrangements for September 2015 (including the Ashley Gardens children becoming part of Year 1 at a permanently expanded Byron Court) this situation is not tenable even in the medium term. It is vital that sufficient permanent places are provided both to address the current situation as described and to avoid the need for temporary places to be provided to meet projected demand if sufficient permanent provision cannot be secured.
- 3.1.6 The number of on-time applications for Reception places received for September 2015 totals 3,925. It is anticipated that there will be approximately 800 late Reception applications received between the closing date in January 2015 and the end of the academic year in July 2016. The number of late Reception applications has been increasing in recent years, primarily because of high population mobility.

#### **The proposal in relation to educational standards (Principle 1)**

- 3.1.7 Byron Court Primary School was judged Outstanding by the Office for Standards in Education (Ofsted) at the inspection in March 2012. Byron Court's attainment is above national averages. The percentages of the school's pupils attaining Level 4 and above in the reading, writing and mathematics national curriculum tests are

higher than the national averages, and in 2014 nearly all of the school's pupils had met the national expectation of making at least two levels of progress at Key Stage 2.

- 3.1.8 The school uses its expertise to support other schools to improve. This has included the headteacher acting as Executive Headteacher for a school facing challenging circumstances. The headteacher and the governing body (made up of staff, parents, community and local authority representatives) provided strong leadership which was recognised by Ofsted when inspectors judged that school Good in May 2014.
- 3.1.9 In 2014 Byron Court's application to establish the Brent Teaching School Alliance was approved by the National College of Teaching and Leadership and the Department for Education. The teaching school alliance gives Byron Court as an outstanding school a leading role in the training and professional development of teachers, support staff and headteachers, as well as contributing to the raising of standards through school-to-school support. Byron Court's alliance includes three primary schools, one secondary school, three higher education institutions and the Brent Schools Partnership.
- 3.1.10 In order to become a teaching school Byron Court Primary School provided evidence of its successful partnership working and demonstrated its track record for excellent leadership and school improvement. Both the headteacher and the school met stringent criteria. As the lead school, Byron Court offers future teachers and leaders the professional development necessary to deliver success in their own schools.

### **Proposals to alter Byron Court Primary School**

- 3.1.11 The current capacity of Byron Court Primary School is 630 plus 30 temporary/bulge places in Year 2 on the main site - 660 places in total. The proposed capacity will be 1,050. The current admission number for the school is 90 and the proposed admission number will be 150. The school would not reach its full capacity until September 2020. All pupils will be on the same site.

Table 4 – Pupils on the school site

<b>Year</b>	2014/ 2015	2015/ 2016	2016/ 2017	2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021
<b>Total capacity at Byron Court</b>	660*	780	840	900	960	990	1,050

\*Not including pupils at Ashley Gardens

- 3.1.12 As stated above, the school also manages two temporary Reception classes providing 60 places offsite at Ashley Gardens (see paragraph 3.1.6 for details). These children would move on site into Year 1 from September 2015, depending on the phasing of building works on the main site. Therefore the current total number of places at both sites is 720.
- 3.1.13 The non statutory informal consultation process commenced on 20 November 2014 and the architects began developing the previously completed feasibility study into a fully designed scheme (alongside the consultation) in December 2014. If expansion is approved new permanent Reception places will be accommodated at the school from September 2015, subject to planning approval for the works required to expand by two forms of entry.
- 3.1.14 It is anticipated that there will be a new build accommodation block with at least a 60 year design life. The designs are currently being developed to ensure that the school would be built in the most efficient way, with sustainable standards targeting a BREEAM rating of Excellent.

- 3.1.15 The council will complete the permanent building works for the 2016/2017 academic year. Should planning approval be granted and approval to expand the school be granted based on this report, then the school will take the first additional permanent Reception classes from September 2015 in existing accommodation. The construction work will be phased to account for the school being occupied during construction and will take place during the 2015/16 academic year (dates to be confirmed based on approvals).
- 3.1.16 The additional classrooms for September 2015 will be provided in existing accommodation. Officers are reviewing if these classes can be accommodated at Ashley Gardens to minimise the number of children on the main site during construction.
- 3.1.17 The proposals comply with the Government's guidance on school expansions and their current agenda for raising standards, innovation and transforming education. The internal accommodation and external play areas in the proposed expansion meet the area and design guidance standards detailed in Building Bulletin 103.
- 3.1.18 The expansion of Byron Court Primary School is fully in line with the aim of the guidance and the wish of the Secretary of State that local authorities provide school places where demand is high. The school serves a range of ethnic minority children, both boys and girls, and the proposals will be of benefit to them.
- 3.1.19 The expansion will increase the choice available to local parents and residents in an area of demand. The proposal will increase diversity of provision and enable the local authority to meet its statutory duty to provide school places to all resident pupils. The additional places will be sufficient for current and future need.
- 3.1.20 Byron Court is a popular primary school, receiving 261 Reception applications (1<sup>st</sup> - 6<sup>th</sup> preferences) for September 2014 of which 78 applicants chose Byron Court as their first preference school. All 90 places in Reception were allocated for September 2014. GLA projections (revised October 2014) show that for Planning Area 2 (where Byron Court is situated - Appendix 2), the demand for Reception places will rise to 702 by September 2019. Currently there are 630 places available in that area. The proposed expansion of Byron Court would increase the available Reception places to 690 in preparation for the anticipated peak in September 2019. It is anticipated that the Reception classes will fill over the next few years, as part of the strategy to plan ahead for 2019 levels of intake.
- 3.1.21 Additional classrooms and facilities will be provided to support the educational standards for all pupils and staff. The expansion will provide:
- a safe and secure environment
  - a healthy environment with properly ventilated, appropriately sized classrooms with easy access to outside space (where required).
  - spaces to maximise natural day lighting and control sunlight, to maximise thermal comfort, control glare and provide a suitable internal environment.
  - environmentally friendly and efficient spaces
  - minimal loss of 'down-time' i.e. travel to core facilities, toilets, etc. within at least the expanded building.
  - allow a variety of learning experiences - individual, group, class, year group, quiet spaces internal and external in line with the requirements of the EFA baseline designs.
  - Maximised use of existing outdoor playing space and enhancement where possible and required.

- Classrooms to support easy access to ICT provision.

3.1.22 The proposed building scheme will enable the council address a number of long-standing issues for the school buildings at Byron Court. The Council's capital allocation for school building condition is insufficient to address all the condition needs of school buildings; by way of context, the allocation for 2015/16 financial year is £2.3m. In line with the criteria for school expansion approved by Cabinet in January 2015, a strategic view of anticipated future costs of significant items of building condition work was taken at Byron Court. As a result the proposed works will include the replacement of existing poor condition classroom outbuildings in order to both avoid future cost in replacement of these classrooms in the near future and to consolidate the footprint of buildings across the site to achieve an optimal layout from a school management perspective. This will also help to maximise the quality and quantity of outdoor play space.

3.1.23 Subject to planning application approval and detailed programme review, it is anticipated that, the building works will commence towards the end of 2015 and last for approximately one year.

3.1.24 No change to the existing SEN provision is being proposed. The proposal will comply with the standards, quality and range of educational provision for children with special educational needs in the proposed expansion of primary provision. The proposal will fully meet the requirements of the SEN Code of Practice and the accessibility standards.

## 3.2 Details of Byron Court Primary School

3.2.1 Byron Court Primary School is located at Spencer Road, Wembley, HA0 3SF. It is a Community School (i.e. maintained and run by the local authority). It offers co-educational places for pupils aged 4-11 years.

3.2.2 Byron Court Primary School was built in 1932 and whilst the original building has been maintained and modernised as far as possible, it does not all meet with 21st Century learning requirements. The space around the school is not used to its full potential as a result of temporary modifications and a number of temporary buildings that have been erected over time to accommodate a growing number of pupils but which have now reached the end of their useful life and now require replacement.

3.2.3 Byron Court Primary School was classified as Outstanding by Ofsted in their report of April 2012. This contributes to the popularity of the school – see paragraph 3.1.7.

3.2.4 As at the October 2014 pupil headcount 78 per cent of Reception to Year 6 pupils on roll at Byron Court that time, lived within a one mile radius of the school (97 per cent within two miles). During the same period 34 other Brent primary/infant/junior schools had between 79 – 96 per cent of their pupils living within one mile of their school. Twenty six schools had between 1 - 78 per cent of their pupils living within one mile of their school (there was insufficient data for one school). It must be noted, however that the schools are not evenly spread. Some areas have a high density of schools (Planning Area 4) whilst others are sparsely spread (Planning Area 2 and 3) - see Appendix 2.

3.2.5 To alleviate the predicted problem of having insufficient Reception places for the start of the 2014/2015 academic year, the local authority approached the headteacher and governing body of Byron Court Primary School to consider managing an additional provision on a site approximately 0.5 miles from the main school site for additional children who will arrive during the academic year. The accommodation known as Ashley Gardens is a modular structure that had been used previously for Reception children whilst Preston Manor primary provision was being built. It is configured to accommodate 60 Reception children. Ashley Gardens became available to pupils on

22 November 2014 and by 26 January 2015 there were 22 Reception children on roll. If this provision was not made available many of those children would still be out of school. Subject to Cabinet approval and planning approval the expansion at Byron Court will accommodate these children in the future. If approvals are not granted other provisions will have to be made for these pupils. Ashley Gardens is anticipated to be full by the end of this academic year with in-year arrivals.

- 3.2.6 In September 2014 Byron Court also took a bulge class of 30 places in Year 2, such was the shortage in the area.

Table 5: Vacancies at Byron Court Primary School

Table 6: Vacancies at Byron Court Primary School									
		Vacancies as at 5 February 2015							
	Total places	Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
Byron Court	720	37	1	2	2	0	0	0	42

- 3.2.7 As at 5 February 2015 there were 46 vacancies in Planning Area 2 (Reception to Year 6) and 20 vacancies in nearby Planning Area 3 (Reception to Year 6) for the current academic year. Thirty seven of the 39 Reception vacancies in Planning Area 2 are at Ashley Gardens (Byron Court) proving how vital this resource is for the current 23 pupils who are now receiving an education. The Department for Education recommends a vacancy rate of at least five per cent to provide room for parental preference. Overall Brent has a vacancy rate of 2.1 per cent. In planning Area 2 the vacancy rate in all year groups is one per cent and 0.4 per cent in Planning Area 3, as demonstrated in the table below.

Table 6: Vacancies in the London Borough of Brent in all year groups

Planning Area	Total places	Vacancies as at 5 February 2015								Surplus %ages
		Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total	
PA1	3630	23	3	48	0	3	0	0	77	2.1%
PA2	4440	39	1	3	1	2	0	0	46	1.0%
PA3	5560	4	0	1	2	4	9	0	20	0.4%
PA4	4560	26	4	56	77	20	6	18	207	4.5%
PA5	8604	42	29	16	47	42	14	14	204	2.4%
<b>Totals</b>	<b>26794</b>	<b>134</b>	<b>37</b>	<b>124</b>	<b>127</b>	<b>71</b>	<b>29</b>	<b>32</b>	<b>554</b>	<b>2.1%</b>

### 3.3 The size of the new school – Brent's first five form of entry school

- 3.3.1 Brent has 61 primary sector provisions of which nine are four form entry schools (4FE) plus one further which may have four Reception classes from September 2016. If approved, Byron Court will become the largest primary school in Brent with five forms of entry.
- 3.3.2 According to the Department for Education between 1950 and 2010 the average size of a primary school was 180-220 (up to one form of entry). However recent years have seen a drastic change in this picture. The period of January 2013 to June 2014

saw an increase in primary schools with more than 800 pupils (three forms of entry and above) from 58 to 77. The growing demand for school places has necessitated the growth of five forms of entry schools. In the 2012-2013 academic year, there were seven 5FE primary schools across local authorities in the UK.

- 3.3.3 Of Brent's nine primary sector schools which are four forms of entry (4FE) eight have an Ofsted rating of 2 = Good and one school has an Ofsted rating of 1 = Outstanding, as at December 2014.
- 3.3.4 Beyond increasing the number of school places available, larger schools offer advantages in terms of economies of scale and the opportunities to make a richer and better quality educational offer. Understandably concerns have been raised during the consultation about the borough's first proposal for a 5FE school. These concerns have tended to centre around the fear that a large school will be impersonal for children and their parents. A large school will however have a larger senior management structure that fits its size and more of a 'departmental' structure so that, for example, children and parents in Reception get to know the early years team, for which there is a senior manager. This allows specialisation of staff while, as a single school, having a single ethos and common approaches to behaviour and the curriculum. Concerns have also been raised as to whether standards can be maintained in such a large school. Nationally of the seven 5FE primary schools mentioned above three have been given an Ofsted rating of "Good" and one has been rated "Outstanding", showing that a 5FE primary school can be 'outstanding'.
- 3.3.5 In the School Place Planning Strategy agreed by Cabinet in October 2014 (paragraph 3.0.1 and Appendix 1) Principle 3 states – "We will actively consider two site schools and 5FE schools where there is leadership and management capacity". Research shows that for large schools the quality of the leadership and management is far more significant for the success of the school than the size. The leadership of Byron Court has clearly demonstrated capacity for increased pupil numbers and that high standards are not only sustained, but that the school also continues to develop further.
- 3.3.6 By expanding to five forms of entry (5FE) Byron Court Primary School will be providing local opportunities for more children to attend outstanding provision and to enable the school to deliver beyond providing an education, with the capacity to develop a wide and varied extra curricular offer.

#### 3.4 **Traffic and road safety issues for local residents**

As is highlighted below, the majority of responses to the consultation on this proposal expressed concern about traffic and road safety. The local residents' association in particular has made it clear that they take the view that the current pressure on local roads from parents taking their children to this school is already so great that additional numbers will make the local roads unsafe and create intolerable congestion for local residents. It will be vital therefore that the planning application for this scheme addresses these concerns, with specific mitigating actions by both the council and school. These could include off-site 'park and walk' arrangements as have been established elsewhere, improvements to the school's own travel plan to reduce the number of children being transported by car, changes to traffic arrangements in the area or other solutions, drawing on best practice from other schemes across London.

#### 3.5 **Statutory Consultation Process – Four Stages**

##### **Pre- statutory consultation (informal)**

- 3.5.1 Since January 2014 the statutory school expansion process has four stages instead of five - Stage 1 Publication, Stage 2 Representation (formal consultation), Stage 3 Decision, Stage 4 Implementation. The informal consultation carried out by Brent



Council from 20 November 2014 to 24 December 2014 prior to Publication is not legally required but is good practice as advised by the Department for Education.

- 3.5.2 The Governing Body of Byron Court Primary School in partnership with the local authority carried out an informal consultation with key interested parties on the alteration proposals. The consultation document is attached as Appendix 3. Over 2,000 copies of the consultation document were distributed through hand delivery, email and/or internal/external post:
- the school distributed 850 documents by hand to parents, pupils, staff and other interested parties,
  - a private company was commissioned to hand deliver 650 copies to homes in the areas surrounding the school,
  - the document was available at the consultation meetings,
  - the document was placed on the school website and the Brent consultation website
  - approximately 300 copies were emailed out, including to all Councillors in Brent, all Brent schools, neighbouring boroughs and other statutory consultees
  - the local residents association played an active role in informing the public of the consultation (see 3.5.3 below).
- 3.5.3 The Sudbury Court Residents Association (SCRA) is very active and covers an area of around 3,000 households on the Sudbury Court estate. SCRA produces and issues a newsletter called The Courier to its residents every month with the deadline being the fifteenth of the preceding month. In addition to distributing 650 copies of the council-produced consultation document for Byron Court Primary School to residents in the streets closest to the school through a private distribution company, the council arranged for The Courier to include details of the consultation meetings that were taking place on 3 December 2014 (2pm and 6pm) at the school.
- 3.5.4 It soon became clear once the consultation responses started to arrive that the council's consultation document for Byron Court Primary School had been altered by SCRA and redistributed amongst residents.
- 3.5.5 The informal consultation began on 20 November 2014 and ended on 24 December 2014. Two consultation meetings with the community were held at the school on 3 December 2014, details of which can be found in Appendix 4a and 4b and a meeting specifically for parents was arranged for 17 January 2015. All applicable statutory requirements to consult in relation to these proposals have been complied with.
- 3.5.6 The Byron Court proposal received 334 responses (including three late responses) received before 5 January 2015 in this first informal consultation. Included in the total were 117 identical letters against the proposal referred to in this report as a petition letter (see Appendix 5). Some people may have submitted a written response as well as the petition letter therefore submitting two responses each. In this report we have treated them as separate submissions and counted every response in the total.
- 3.5.7 Breakdown of responses from the informal consultation

Table 7: Breakdown of responses received

	Number of responses received	Percentage of response overall
Petition letter against expansion	117	35%
Agree with expansion	29	9%
Disagree with expansion	182	54%

No decision reached	6	2%
<b>Total responses</b>	<b>334</b>	<b>100%</b>

3.5.8 Due to the volume of responses further detailed analysis of the data was carried out. By categorising and analysing the data in themes a greater understanding was gained over which aspects of the proposed expansion particularly troubled respondents. Twenty one recurring themes were identified.

### 3.5.9 Themes

Educational concerns were that the expansion would:

1. Impact on the character and ethos of Byron Court
2. Affect child development and integration – including behaviour, language barriers and the impact of proposed ‘zoned areas’ in the expanded school
3. Reduce attention to pupils and affect school results
4. Impact on teaching standards
5. Limit facilities after expansion, especially green spaces for outdoor play and extra curricular activities
6. Affect education because of the building work
7. Over-expand an existing school when a new school should be built

3.5.10 Opponents argue that need is not established:

8. The need for school places in Brent
9. The need for school spaces in the Sudbury Court Estate (SCE) – particularly in view of the new primary school at Wembley High Technical College

3.5.11 Health and Safety concerns are:

10. Health and safety considerations of expansion- particularly playground accidents and illness
11. Potential car accidents
12. Implications of long distance travel to school on parents and pupils

3.5.12 Environmental concerns are:

13. Noise, litter and wildlife
14. Suitability of the site for large development; particularly its residential nature, narrow roads and susceptibility to flooding
15. Traffic, congestion and pollution

3.5.13 Community concerns are:

16. The relationship between parents and staff
17. Effect of building work on residents
18. Potential to attract further regeneration, housing and leisure in Brent
19. Parking and inconsiderate parents
20. House value and amenities- especially the right to light and privacy

3.5.14 Transparency

21. Previous promises from the school against expansion

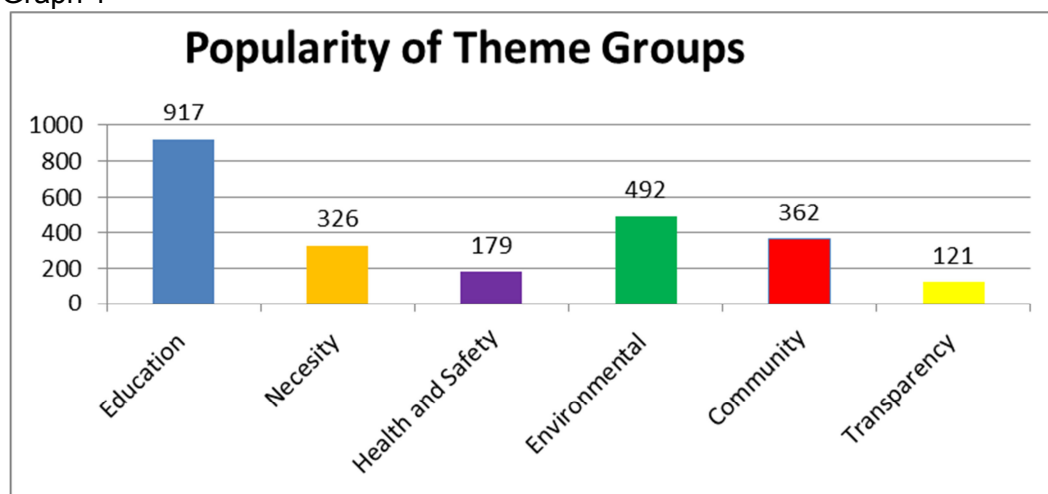
### 3.5.15 Which themes were most frequently mentioned in responses?

The most frequently mentioned concern was number 15 - traffic, congestion and pollution with 260 mentions out of 2,396, followed by the suitability of the site (theme 14). The least mentioned theme was the relationship between parents and staff (theme 16) with only four mentions out of a possible 2,396 (see Table A in Appendix 6).

Table 8: Theme groups

Theme groups	Frequency of themes	Percentage
Education (1-7)	917	38.3%
Necessity (8-9)	326	13.6%
Health and Safety (10-12)	180	7.5%
Environmental (13-15)	492	20.5%
Community (16-20)	362	15.1%
Transparency (21)	119	5.0%
<b>Total</b>	<b>2,396</b>	<b>100%</b>

Graph 1



3.5.16

### 3.5.17 The overall tone of the points made in the responses

3.5.18 The vast majority of the points made in the responses were negative. It is clear that negative responses to expansion are highest in every theme. As stated earlier, even though 89 per cent of the responses to the consultation were negative (see Table 6), some of the people who agreed with the consultation (nine per cent) or did not make a definite decision (two per cent) raised concerns or provided a balanced answer to their decision. Therefore the negative points raised account for 97 per cent of all points raised to the expansion proposal.

Table 9

	Education (1-7)		Necessity (8-9)		Health and Safety (10-12)		Environmental (13-15)		Community (16-20)		Transparency (21)	
Positive responses	15	2%	17	5%	1	0.6%	1	0.2%	1	0.3%	0	0%
Concerns	18	2%	6	2%	2	1.1%	3	0.6%	3	0.8%	0	0%
Negative responses	884	96%	303	93%	177	98.3%	488	99.2%	358	98.9%	119	100%
Total Responses per theme group	917		326		180		492		362		119	

3.5.19 A sample of quotes and letters against the expansion can be found in Appendix 7.

3.5.20 A sample of quotes and letters in support of the expansion can be found in Appendix 8.

3.5.21 The council is estimating that the planning permission would be granted under Part 3 of the Town and Country Planning Act 1990 from July 2015. Hence, the Cabinet is requested to approve the expansion of Byron Court School from September 2015, conditional upon the granting of planning permission and in accordance with Schedule 3 paragraph 3 of the School Organisation Regulations 2013.

3.5.22 Due to the high volume of comments and questions arising from the informal consultation, a frequently asked questions and answers document was created with more than 40 entries. This document was made widely available at the point the statutory notice was issued (15 January 2015). See Appendix 9.

### Stage One - Publication of Statutory Notice

3.5.23 Following careful consideration of the responses in the consultation stages outlined above, the Governing Body of Byron Court Primary School in partnership with the local authority published the Statutory Notice in the Brent and Kilburn Times on 15 January 2015 for altering the school by 2FE from September 2015. Notices were also displayed on the school gates, on the school website, on the Brent Council consultation website and on the Brent and Kilburn Times electronic edition.

3.5.24 The LA also arranged for the SCRA to enter the link to the Brent consultation website in their newsletter, The Courier, so their readers could see a copy of the statutory notice.

3.5.25 The statutory notice is attached as Appendix 10.

### Stage Two – Representation (formal consultation)

3.5.26 The statutory notice (issued on 15 January 2015) was followed by a four week statutory period (Representation stage), which ended on 12 February 2015, during which representations (i.e. objections or comments) could be made. The representation period is the final opportunity for residents and organisations to express their views about the proposal (in this consultation) and ensures that they will be taken into account by the Cabinet when the proposal is determined.

- 3.5.27 The deadline was extended to 19 February 2015 following representations from residents.
- 3.5.28 On 12 February 2015, five officers from the council met with six representatives from SCRA at SCRA's request. At this meeting SCRA informed officers of the concerns of the residents on the Sudbury Court estate with regard to current environmental as well as educational issues. They felt matters would worsen if the school were to expand to 5FE. This meeting gave officers the opportunity to explain the process that takes place when calculating demand for school places; the fact that most primary schools in Brent have already expanded or taken bulge/temporary classes since 2006 and the council is building capacity for future years and not just for current demand.
- 3.5.29 Officers also explained that the concerns of the residents were being captured and taken seriously. The environmental concerns would also be valuable when shaping the case for planning permission, should the Cabinet approve the expansion proposal.
- 3.5.30 In total 265 representations were received during statutory period as outlined below. This is a large volume compared to other school expansion consultations.

Table 10: Breakdown of responses to the formal consultation

	<b>Number of responses received</b>	<b>Percentage of overall responses</b>
Agree with expansion	43	16%
Disagree with expansion	222	84%
No decision reached	0	0
<b>Total Responses</b>	<b>265</b>	<b>100%</b>

- 3.5.31 In the informal consultation stage there was a petition letter that had been individually signed and printed 117 times. As a result it was seen as appropriate to count each letter as one new response. In the formal consultation there were two actual petitions against the proposal. The first petition from SCRA listed 765 signatures. The second petition from the parents of Byron Court pupils listed 341 signatures as of the midnight 19 February 2015. Both petitions arrived by email in the form of pdf documents. Both petitions were sent to Democratic Services on 19 February 2015 to be officially acknowledged and registered.
- 3.5.32 Once again the vast majority of the responses received (222 of 265) disagreed with the proposal (84 per cent). However there was a slight increase in the number of responses in support of the proposal (29 to 43) with a percentage increase of nine per cent to 16 per cent between the two consultations.
- 3.5.33 To ensure there was consistency in the data analysis in both stages of the consultation the formal consultation responses were also analysed in themes. The 21 themes from the first stage of consultation were retained to facilitate comparison, but in this stage an additional four themes were identified (Themes 22, 23, 24 and 25). There were a total of 25 themes analysed in the formal consultation phase.
- 3.5.34 The four additional themes were
22. Administrative difficulties especially management problems, mealtimes and turnover (Educational)

23. The relationship between the school and the wider community; including the impact on emergency services, dissidents' relations with the school and job creation (Community)
24. Impact on children from minorities (Community)
25. The Consultation Process (Transparency)

A list of the initial 21 themes can be found at paragraphs 3.5.9 to 3.5.14

### **Which themes were most frequently mentioned in the responses?**

3.5.35 As with the informal consultation stage the frequency of responses to each theme was varied. The 25 themes were mentioned a total of **902** times in the 265 responses and once more the most frequently mentioned theme was number 15 - traffic, congestion and pollution - with **143** responses out of **902**. However the second and third most frequently mentioned themes were theme 9 (the need for school places in the Sudbury Court Estate) and theme 3 (the attention to pupils and school results) respectively. This is a change from the informal consultation where the suitability of the site (theme 14) ranked second in terms of frequency. This suggests this consultation has elicited more comments on educational issues. .

3.5.36 Table 11 shows the shift in the prevalence of certain theme groups:

Table 11:

<b>Theme groups</b>	<b>Frequency of themes</b>	<b>Percentage</b>
Education (1-7 & 22)	266	29.5%
Necessity (8-9)	109	12.1%
Health and Safety (10-12)	89	9.9%
Environmental (13-15)	239	26.5%
Community (16-20, 23 & 24)	161	17.8%
Transparency (21 & 25)	38	4.2%
<b>Total</b>	<b>902</b>	<b>100%</b>

### **Nature of the Responses to Each Theme**

- 3.5.37 Once more the responses were graded as **positive**, **concerned** and **negative**. 93.2 per cent of all responses were negative - this is a slight decrease from the informal consultation stage where 97 per cent of responses were against the expansion.
- 3.5.38 As in the informal consultation stage, theme 15 had the greatest percentage of negative comments.
- 3.5.39 In the informal stage of consultation transparency and environmental concerns respectively were the areas with the greatest number of negative responses. In the formal consultation however the theme with the greatest number of negative responses was environmental concerns with 99.6 per cent of all comments on environmental issues being graded as negative. This was followed by health and

safety concerns. It does appear that the formal consultation responses were dominated by concerns that are best dealt with in the planning consultation.

3.5.40 Again the area with the highest percentage of positive responses was the necessity for school places (11 per cent) suggesting respondents maintained the view that the greatest justification for expanding Byron Court was the need for school spaces. Next were educational themes, with 7.5 per cent of all comments on education being positive. Moreover the percentage of comments on education decreased by almost 10 per cent.

#### 3.5.41 Conclusions

- There has been a very high level of response to the consultation, the majority against the proposal.
- More issues were raised in this stage of consultation centred around the consultation process itself, managerial problems and school-community relations
- Traffic congestion and pollution was the most frequently mentioned concern.

3.5.42 A selection of representations objecting to the proposal to expand the school can also be found in Appendix 11 of this report.

3.5.43 A selection of representations in support of the school expansion proposal can be found in Appendix 12.

Table: 12

	Education (1-7 & 22)		Necessity (8-9)		Health and Safety (10-12)		Environmental (13-15)		Community (16-20, 23 & 24)		Transparency (21 & 25)	
<b>Positive responses</b>	<b>20</b>	7.5%	<b>12</b>	11%	<b>0</b>	0%	<b>0</b>	0%	<b>3</b>	1.9%	<b>0</b>	0%
<b>Concerns</b>	<b>17</b>	6.4%	<b>3</b>	2.8%	<b>2</b>	2.2%	<b>1</b>	0.4%	<b>2</b>	1.2%	<b>1</b>	2.6%
<b>Negative responses</b>	<b>229</b>	86.1%	<b>94</b>	86.2%	<b>87</b>	97.8%	<b>238</b>	99.6%	<b>156</b>	96.9%	<b>37</b>	97.4%
<b>Total Responses per theme group</b>	<b>266</b>		<b>109</b>		<b>89</b>		<b>239</b>		<b>161</b>		<b>38</b>	

## 4. Financial Implications

4.1 As part of consideration of the *Update on Schools Capital Portfolio* report dated 26 January 2015, Cabinet approved the proposal to expand Byron Court Primary School. This report stated the total estimated cost of the project is provided for within the element of the School Expansion Programme of Works to be met from secured grant funding, although it was noted that additional funding sources had been added to address condition issues and works outside of the programme criteria.

4.2 The proposed works include the replacement of existing poor condition classroom outbuildings in order to both avoid future cost in replacement of these classrooms in the near future and to consolidate the footprint of buildings across the site to achieve an optimal layout from a school management perspective. If the expansion is not

approved it should be noted that works to address condition issues would not continue and would have to be considered separately within Schools Asset Management Plan priorities, with an anticipated cost of circa £2 million.

- 4.3 The proposed expansion of pupil numbers at the school will result in increased revenue costs associated with the additional provision. These costs will be met from the individual school's budget, which will increase proportionately based on the formula allocation from the DfE. However, the proposed intake of additional pupils from September 2015 will mean that the school will not receive the increased grant until the following academic year as the calculation is based on the previous October's pupil numbers. As such the school will require funding equivalent to 7/12 of the total additional grant to meet the costs of the expanded pupil numbers until the following year's allocation is received. This shortfall in funding will be provided from existing Children and Families Dedicated Schools Grant revenue budget as funding has been set aside for additional classes.

## **5. Legal implications**

- 5.1 The procedure for the enlargement of Byron Court Primary School is as required by The Education and Inspections Act 2006 (as amended by the Education Act 2011) and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. The local authority is entitled to make prescribed alterations to Byron Court Primary School pursuant to powers granted by The Education and Inspections Act 2006, Sections 18 and 19 and in accordance with Schedules 2 and 3 Regulations.
- 5.2 The authority has the power to consider and determine proposals published under Section 19 of The Education and Inspections Act 2006, pursuant to Section 21 (2) (f) of the Act and in accordance with Schedule 3 paragraph 3 of The School Organisation Regulations 2013.
- 5.3 Under sections 13 and 14 of The Education Act 1996, as amended by The Education and Inspections Act 2006, a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. The local authority must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice. To discharge this duty the LA has to undertake a planning function to ensure that the supply of school places balances the demand for them.
- 5.4 The Brent Cabinet acting on behalf of the Brent Local Authority is the Decision Maker pursuant to The Education and Inspection Act 2006 Section 21 (2) (f) and schedule 3 of the School Organisation Regulations 2013.
- 5.5 The Cabinet would need to have regard to guidance issued by the Secretary of State before making a decision upon this proposal entitled School Organisation Maintained Schools – guidance for proposers and decision makers January 2014.
- 5.6 If the local authority fails to decide proposals within two months of the end of the representation period the local authority 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 two month period.



## 5.7 **Decision Making:**

5.8 The department does not prescribe the exact process by which a decision-maker carries out their decision-making function. However, the body or individual that takes the decision must have regard to the statutory 'Decision-makers Guidance' (at Annex B).

5.9 There are four 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.

**All necessary information has been provided.**

- Does the published notice comply with statutory requirements?

**The statutory notice is complete and in line with the statutory requirements. The four week statutory representation period was extended by one week and closed on 19 February 2015**

- Has the statutory consultation been carried out prior to the publication of the notice?

**All applicable statutory requirements to consult in relation to the proposal have been complied with.**

- Are the proposals "related" to other published proposals?

## 5.10 **Types of Decision**

5.11 When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the LA and/or governing body (as appropriate); or
- approve the proposal – with or without modification – subject to certain prescribed events<sup>11</sup> (such as the granting of planning permission) being met.

5.12 A proposal can be withdrawn by the proposer at any point before a decision is taken. When doing so the proposer must send written notice to the LA and the governing body (as appropriate) and the Schools Adjudicator (if the proposal has been sent to them). A notice must also be placed on the website where the original proposal was published.

## 5.13 Rights of appeal against a decision

5.14 25. The following bodies may appeal to the Schools Adjudicator against a decision made by a LA decision-maker, within four weeks of the decision being made:

- the local Church of England diocese;
- the local Roman Catholic diocese; and
- the governors and trustees of a foundation, foundation special or voluntary school that is subject to the proposal.

- 5.15 On receipt of an appeal, a LA decision-maker must then send the proposal, representations received and the reasons for its decision to the Schools Adjudicator within one week of receipt. There is no right of appeal on determinations made by the Schools Adjudicator.
- 5.16 Procurement: The construction contract associated with this expansion will be addressed as part of the wider primary school expansion, with preference to undertake this procurement for Byron Court as a separate construction contract. A report approved by Cabinet in January 2015 set out the procurement strategy to be adopted for this project and in accordance with Council Standing Orders gave approval to procure a works contract. Subsequent Cabinet approval would be sought to award any works contract in accordance with Council Standing Orders.

## **6. Diversity Implications**

- 6.1 Byron Court Primary School has an ethnically diverse pupil population and catchment of pupils who need places. The school would enable the council to provide additional new places required for Brent's growing pupil population.
- 6.2 The expansion will improve choice and diversity. The impact on Equalities will be kept under review and reported as the school expansion programme is reviewed.
- 6.3 The Equality Impact Assessment for has been completed for the proposed expansion of Byron Court Primary School. The document includes concerns raised from parents and residents during the consultations to the fact that younger pupils and pupils with special educational needs (SEN) may be affected by the increased number of children at Byron Court Primary School.

## **7. Staffing Issues**

- 7.1 With the expansion of pupil numbers there is likely to be an expansion of posts rather than a reduction. The costs relating to the need to provide for additional pupils will be covered by the Dedicated Schools Grant allocated through the funding formula. In the consultation, objectors have queried whether the school can recruit sufficient high quality staff to enable them to cater for such a large number of children. Staffing will, however, need to be built up gradually as the new numbers rise through the school. As a Teaching School, Byron Court is in an especially strong position to recruit and retain high quality staff.

## **8. Background Papers**

Equality Impact Assessment

School Organisation Maintained Schools - Guidance for proposers and decision-makers - January 2014

## **9. Appendices**

- |            |   |
|------------|---|
| Appendix 1 | Principles of the Place Planning Strategy 2014 - 2018 |
| Appendix 2 | Map of Brent Schools                                  |
| Appendix 3 | Byron Court Primary School – consultation document    |

Appendix 4	Byron Court Primary School – notes to meetings on 3 December 2014, 2pm (4a) and 6pm (4b)
Appendix 5	Petition letter
Appendix 6	Informal consultation analysis
Appendix 7	Sample objections to the proposal to expand Byron Court Primary School (pre-statutory consultation)
Appendix 8	Sample correspondence of support of the proposal to expand Byron Court Primary School (pre-statutory consultation)
Appendix 9	Frequently asked questions and answers document
Appendix 10	Statutory notice (Stage 1 of the statutory process)
Appendix 11	Examples of the representations received from Stage 2 of the consultation process, against the expansion
Appendix 12	Examples of the representations received from the Stage 2 of the consultation process, in favour of the expansion

**Contact Officers:**

Judith Joseph  
School Place Planning Officer  
Children and Young People  
Judith.Joseph@brent.gov.uk  
Tel: 020 8937 1061

Sara Williams  
Operational Director of Children and Young People  
sara.williams@brent.gov.uk  
Tel: 020 8937 1025

**GAIL TOLLEY**  
**STRATEGIC DIRECTOR OF CHILDREN AND YOUNG PEOPLE**

Emma Sweeney  
Capital Projects Manager  
Regeneration and Growth  
Emma.sweeney@brent.gov.uk  
Tel: 020 8937 1650

**ANDY DONALD**  
**STRATEGIC DIRECTOR OF REGENERATION AND GROWTH**