



**Executive**  
15 February 2011

**Report from the Directors of  
Children and Families and  
Regeneration and Major Projects**

Wards Affected: ALL

**Determination of proposal to permanently expand Newfield  
Primary School.**

**1 Summary**

- 1.1 This report informs the Executive of the outcome of the statutory proposals to alter Newfield Primary (Community) School through expansion by one form of entry from 05 September 2011. Representation period on the proposal ended on 30 December 2010.
- 1.2 The Local Authority in agreement with the governing body of Newfield Primary School has proposed to alter the school by adding a form of entry. The current capacity of the school is 210 and the proposed capacity will be 420. For the academic year 2009/10, 238 children were on the school roll and there are currently 231 children attending Newfield School. The current admission number for the school is 30 and the proposed admission number will be 60.
- 1.3 The report seeks Executive approval to permanently expand Newfield Primary School, conditional upon planning permission being granted.

**2 Recommendations**

The Executive are requested to:

- 2.1 Approve the permanent expansion of Newfield Primary (Community) School by one form of entry from 05 September 2011, conditional upon the granting of full planning permission under Part 3 of the Town and Country Planning Act 1990 by 30 April 2011.
- 2.2 Agree that the main factor for approving the alteration of Newfield Primary School is to provide permanent primary places in an area of the borough which has severe shortage of reception and year 1 school places.

### **3 Detail**

#### **3.1 Background**

- 3.1.1 Brent Council has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area.
- 3.1.2 According to GLA's current projection of school rolls (based on the January 2010 pupil census data), the number of four year olds on roll is expected to rise by over 300 pupils between 2010 and 2013, after which the demand is projected to decrease slightly. This translates into a shortfall in the capacity by 270 reception places (9 classes) by September 2012. The impact of rising birth rate may further impact on the demand for reception places.
- 3.1.3 Based on the GLA school roll projection analysis, the Council will need to provide an additional 1680 (Reception to Year 6) primary places by 2015-16 (including a 5% planning margin), which approximately equates to four new 2FE primary schools. In the last two academic years, the GLA's accuracy rate for the projection of primary school rolls has been falling and has not addressed the real rise in demand for primary school places. This is generally the case across London authorities, which are being caught by extremely high number of applications for reception and Year 1 places.
- 3.1.4 On time reception applications were up last year with, 3,817 applications received for admission in September 2010 compared to 3,583 on time applications for the 2009/10 academic year.
- 3.1.5 The demand for school places is mainly driven by:
- Housing growth;
  - Increased density of use of existing housing stock;
  - Increased popularity of Brent schools (mainly due to the increasing quality of Brent's educational offer);
  - Inward economic and other migration;
  - Decreasing availability of places in neighbouring boroughs;
  - Increased live births and fertility rates
- 3.1.6 The Council have provided 135 additional temporary places for September 2010. As at 24 January 2011, 50 reception aged children and 122 Year 1 children remain without a school place for the 2010-11 academic year. Since then, the Council has accommodated a further 56 children in temporary classes for the ongoing year.
- 3.1.7 The number of unplaced children and vacancies in the system are constantly fluctuating but overall demand is exceeding supply in the lower year groups (reception to Year 2), which is correlated to the pattern of rising demand in the borough, and indeed across London, over the last three years.
- 3.1.8 In May 2009, the local authority consulted with primary schools in the borough to explore the possibility of increasing the number of school places. Subsequently, the local authority reviewed opportunities to increase capacity at all primary schools and attempted to match these with areas where there was the highest demand for school places. Discussions took place with schools which were suitable and willing for expansion. This was followed by an initial feasibility assessment for a long list of schools. A priority list for expansion of schools has been drawn from this work based on the following criteria:
- Expression of interest and/or agreement by the school to expand its capacity on a permanent basis;

- shortage of school places in a local area;
- physical expansion of a school deemed to be feasible;
- availability of funding to expand the school in accordance with the initial feasibility study;
- risk associated with the expansion of the specific schools, likelihood of planning consent.

3.1.9 Brent Council was allocated £14.766m in November 2009 from the previous DCSF under the additional round of Basic Need Safety Valve (BNSV). The funding is an emergency allocation to provide sufficient reception places by September 2011.

3.1.10 Subsequently, Brent Council discussed the option to provide primary school places with Newfield Primary School, since it met the criteria listed above. The Governing Body of Newfield Primary School agreed to consult on the proposal to permanently expand the school by one form of entry.

3.1.11 Newfield Primary School had taken a 'bulge' Reception class in the previous academic year 2009-10. This cohort would eventually progress to Year 6 in September 2015.

### 3.2 Proposal to Alter Newfield Primary School

3.2.1 Newfield Primary School is located at Longstone Avenue, Harlesden, London, NW10 3UD. It is a Community school using the admission arrangements set by the Local Authority. It offers non-denominational mixed gender places for students aged 3-11years.

3.2.2 The Local Authority in agreement with the governing body published a proposal to expand Newfield Primary School by one form of entry from September 2011.

3.2.3 If the proposals are accepted conditional upon the granting of planning permission under Part 3 of the Town and Country Planning Act 1990 by 30 April 2011, Newfield Primary School will offer 2FE provision from September 2011. Its admission capacity will increase from 210 to 420 Reception to Year 6 places, which will support the Council to meet its statutory duty to provide sufficient school places. The pupils from the 2010-11 'bulge' Reception class will progress to Year 6 by September 2015 at which point the school would commence operating at full capacity in all Year Groups. The following table provides a summary of the progression in capacity:

Year	Sep 2009	Sep 2010	Sep 2011	Sep 2012	Sep 2013	Sep 2014	Sep 2015
<b>Planned</b>	30 R +	30 R	60 R	60 R	60 R	60 R	60 R
<b>Increase in</b>	30 R	60 Y1	60 Y1	60 Y1	60 Y1	60 Y1	60 Y1
<b>Pupil</b>	'bulge'	30 Y2	60 Y2	60 Y2	60 Y2	60 Y2	60 Y2
<b>Numbers</b>	class	30 Y3	30 Y3	60 Y3	60 Y3	60 Y3	60 Y3
	30 Y1	30 Y4	30 Y4	30 Y4	60 Y4	60 Y4	60 Y4
	30 Y2	30 Y5	30 Y5	30 Y5	30 Y5	60 Y5	60 Y5
	30 Y3	30 Y6	30 Y6	30 Y6	30 Y6	30 Y6	60 Y6
	30 Y4						
	30 Y5						
	30 Y6						
<b>Total Places</b>	<b>240 R-Y6</b>	<b>240 R-Y6</b>	<b>300 R-Y6</b>	<b>330 R-Y6</b>	<b>360 R-Y6</b>	<b>390 R-Y6</b>	<b>420 R-Y6</b>

3.2.4 In accordance with paragraph 4.75 of the Guidance Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form (Excerpt attached in Appendix A), the Decision Maker can decide to approve the proposals subject to meeting a specific condition. The Decision Maker must set a date by which the condition should be met but will be able to modify the date if the proposers confirm, before the date expires, that the condition will be met later than originally thought.

- 3.2.5 The proposals comply with the Government's current agenda for raising standards, innovation and transforming education and in the process meet area and design guidance standards as detailed in Building Bulletin 99, where feasible.
- 3.2.6 The expansion of Newfield 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 wide range of ethnic minority children, both boys and girls, and the proposals will be of benefit to them. As this is an expansion of school places there is no adverse impact to any disadvantaged group.
- 3.2.7 Achievement and attainment for Newfield Primary School in 2009 in comparison with the Local Authority average is as follows:

Performance	English		Mathematics		Science		both English and Mathematics	Average point score
	L4+	L5	L4+	L5	L4+	L5	L4+	
Local Authority Average	80%	28%	78%	37%	85%	40%	72%	27.7
England (maintained schools only)	80%	29%	79%	34%	88%	43%	72%	27.8
England (all schools)	80%	29%	79%	35%	88%	43%	72%	27.9
<b>Newfield Primary School</b>	<b>81%</b>	<b>50%</b>	<b>81%</b>	<b>42%</b>	<b>88%</b>	<b>46%</b>	<b>77%</b>	<b>28.5</b>

- 3.2.8 According to the 2009 Ofsted report, the school no longer requires significant improvement. The school now provides a satisfactory quality of education. Pupils' personal development is good and attendance has improved. They now make satisfactory progress from their starting points, leaving with standards which are broadly average. These improvements are the result of the determined leadership of the headteacher, supported well by staff, governors and the local authority. Parents are happy with the education provided by the school. A typical comment is, 'I am proud to be part of Newfield and extremely happy my boys have the opportunity to learn and grow here.' The headteacher has successfully created an inclusive ethos where everyone feels valued. Pupils joining midway through the year, some at an early stage of learning English, are welcomed into the school community and good support is put in place to meet their needs. In this secure and peaceful environment, pupils develop good social and personal qualities. They behave well and are friendly and considerate towards others.
- 3.2.9 Brent's School Improvement Service is working with the school and advises that Newfield being a one form entry school, with a highly mobile pupil population, the results are likely to vary year on year. However, against the most important indicator at Key Stage 2: the proportion of pupils achieving level 4+ in both English and mathematics, results rose from 38% in 2008 to 77% in 2009, and then 68% in 2010: sound performance taking into account the highly challenging circumstances the school works in. The School Improvement Partner's judgement last year was that the school was satisfactory, with good leadership and management and good capacity to improve. The Council's view is that if the school were to expand, this would help to stabilise the pupil population and help secure high standards.
- 3.2.10 The Council and their advisors considered a number of options during the feasibility studies for Newfield. These options were considered very carefully however were rejected as they either were not viewed as value for money, or impacted further on the playspace which affected the Council's core strategy, or did not meet government guidelines.

- 3.2.11 The Council's preferred option for extra primary school places at Newfield Primary School:
- meets the amount of playspace required by BB99 (Building Bulletin 99 that provides government guidelines on classroom size and playspace)
  - minimises the impact on the parkland by minimising the footprint of the extension;
  - minimises the impact on the existing building (thereby reducing cost);
  - provides an enhanced community space (increased hall space, and a MUGA (Multi use games area) that the community can use);
  - utilises roof space for both renewable energy, and for an outdoor learning space;
  - and finally as part of the school expansion it was important to improve visibility of the school entrance and create a strong sense of arrival and place
- 3.2.12 The accommodation will provide an additional form of entry primary provision offering 210 new Reception to Year 6 places. The extension and expansion has provided the school with an opportunity to rationalise their layout, reconfiguring the existing learning accommodation to split the children in to KS1 and KS2 accommodation, located adjacent to their respective playspaces. Access to the ICT existing facility will be maintained under the proposal and new classrooms will be built to comply with state-of-the art technology requirement.
- 3.2.13 The expansion of Newfield Primary School will increase the choice available to local parents and residents in an area of demand. The proposals will increase diversity of provision and enable the local authority to meet its statutory duty to provide school places to all resident pupils.
- 3.2.14 Newfield Primary is a popular and well performing primary school; the local authority is confident that sufficient number of applications will be received for the permanent primary provision.
- 3.2.15 The travel arrangements for existing pupils are not changed for pupils at Newfield Primary School. However, the expansion of provision will enable more Brent pupils to be educated in general nearer to where they live.
- 3.2.16 One of the key changes within the proposals is the relocation of the main entrance. Currently tucked away at the north west part of the site, the school is not physically visible to its community. The addition of a new two storey wing, and reconfiguration of a new entrance to the south west, will give it visibility from Fry Road, and provide a more natural access to the site for the majority of its community.
- 3.2.17 The Council owned land currently occupied by the existing Mission Dine Community Centre to the south west of the school building is planned to be incorporated into the school site with the existing building demolished, along with access to the adjacent parkland providing a new Multi Use Games Area (MUGA), in order to meet the need for the additional land required for the increasing school population. Mission Dine's lease expires on 31 August 2011 and the statutory legislation governing landlord and tenant relationships allows a landlord to refuse to renew a lease. In addition, the tenant has persistently delayed paying rent due and now owes a substantial sum amounting to £20,762.
- 3.2.18 A new hall is also provided from the new reception. The new wing will provide new classrooms, WC's, and a shared teaching area with space for desks and circulation.
- 3.2.19 It is anticipated that the building works will enable an enhanced level of the delivery of the curriculum, through the provision of the above mentioned additional classrooms and

facilities which are essential in supporting the educational standards for its pupils and staff. In effect it would lead to:

- Provision of a safe and secure environment
  - Create a healthy environment - naturally ventilated, good sized classrooms with easy access to outside space.
  - Modelling of proposed spaces to maximise natural daylighting and control sunlight, to maximise thermal comfort, control glare and provide a suitable internal environment.
  - Environmentally friendly and efficient
  - Provision of minimal loss of 'down-time' i.e travel to core facilities, toilets, etc.
  - Allow a variety of learning experiences - individual, group, class, year group, quiet spaces internal and external
  - Provision of playing space
  - Enhancing the opportunity for the community to become involved in the school and support the children's learning
- Classrooms to support easy access to ICT provision

3.2.20 An area analysis of the site has been carried out to ensure the new accommodation would meet the guidelines for new school accommodation, Building Bulletin 99. The target of 'Very Good' is being aimed for BREEAM accreditation.

3.2.21 Subject to planning application approval, the building works are planned to commence in March/April 2011 which will involve new build works in compliance with Department for Education's design guidelines.

3.2.22 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.

### **3.3 Statutory Process**

#### Stage One Consultation

3.3.1 The Local Authority with the support of the governing body of Newfield Primary School consulted with key interested parties on the alteration proposal. The consultation documents are attached as an appendix to the complete statutory proposals document (Appendix B). Over 2500 copies of the consultation document were distributed through hand delivery, email and/or internal/external post. The school distributed the consultation documents by hand to parents, pupils, staff and other interested parties. The Council arranged for 2000 copies to be hand delivered in the area surrounding the school through a special leaflet drop.

3.3.2 The consultation document was listed on the Council consultation website <http://www.brent.gov.uk/consultations> and this link had been provided in the consultation document itself.

3.3.3 A consultation meeting with the parents was held at the school on 11 November 2010.

3.3.4 The consultation on the proposal to expand by one form of entry thereby providing 420 primary Reception to Year 6 places commenced on 21 October 2010. The first consultative stage of the statutory process completed on 25 November 2010. All applicable statutory requirements to consult in relation to these proposals have been complied with.

- 3.3.5 The proposal received 30 on time responses to the consultation. 23 (76.6%) consultees support the proposal and only 3 (10%) consultees have expressed concerns, whilst 4 (13.3%) remain undecided.
- 3.3.6 Responses to the various concerns and objections were included as an appendix to the published statutory proposal.
- 3.3.7 Following the close of consultation, the Local Authority agreed to publish the statutory notice and proposal.

#### **Publication of Statutory Notice and Representation Period**

- 3.3.8 The Local Authority with the support of the governing body of Newfield Primary School published the Statutory Notice in two local newspapers on 02 December 2010 for altering the school by expanding Newfield Primary School by one form entry from 05 September 2011. Following the progression of the pupils in the 2009-10 'bulge' reception class through to the primary classes up to Year 6, the school will commence operating at full capacity of 420 places by September 2015.
- 3.3.9 The planning application for the expansion of Newfield Primary School is due to be considered by the Council's Planning Committee at their meeting in February 2011. Hence, the Executive is requested to approve the expansion of Newfield Primary School from 05 September 2011, conditional upon the granting of planning permission and in accordance with Regulation 38 (1) (a) of the School Organisation Regulations.
- 3.3.10 A copy of the statutory proposal is attached in Appendix B, which includes a copy of the statutory notice.
- 3.3.11 The statutory notice was followed by a 4 week statutory period (Representation stage), which ended on 30 December 2010, 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 and ensures that they will be taken into account by the Brent Executive when the proposal is determined.

#### **Response received during the Representation Stage:**

- 3.3.12 Only one representation was received during the 4 week statutory period:
- 3.3.13 **Mission Dine Centre:** I write to provide feedback regarding the proposed expansion of Newfield Primary School. I am concerned about what will happen to Mission Dine Club (MDC) centre which has been providing vital services to the elderly in Brent and its environs. In my view the expansion will impact negatively on the elderly and vulnerable who have been accessing services at MDC.

### **Council's view:**

- 3.3.14 The Council wrote to the Mission Dine Club on 27 October 2010 informing them that the Council is struggling to keep pace with the significant increase in demand for primary school places in Brent. The Mission Dine Club was informed that the Local Authority has a statutory duty to ensure there are sufficient school places and for this reason the Council in agreement with the school is proposing to expand it by 1 Form of Entry. In order to achieve this expansion, the community centre was informed that additional land would be required and that the Council intends to demolish the Mission Dine centre and utilise the land to accommodate the school expansion.
- 3.3.15 Brent Council has regrettably had to serve notice to Mission Dine Club that it will not renew the lease next year on the site of its building adjacent to Newfield Primary School because of mounting pressure to provide more school places.
- 3.3.16 The site is needed for an expansion of the school to create an extra 30 new places ready for the school year starting in September 2011. The council has a statutory requirement to provide school places.
- 3.3.17 Mission Dine's lease expires on 31 August 2011 and the statutory legislation governing landlord and tenant relationships allows a landlord to refuse to renew a lease. The reasons stated in Brent Council's notice are that the tenant has persistently delayed paying rent due; that on the termination of the current tenancy Brent Council intends to demolish or reconstruct the premises comprised in the holding or a substantial part of those premises or to carry out substantial work of construction on the holding or part thereof and that Brent Council could not reasonably do so without obtaining possession of the holding; and that on the termination of the current tenancy Brent Council intends to occupy the holding for the purposes, or partly for the purposes, of a business to be carried on by Brent Council therein, or as its residence.
- 3.3.18 Officers are actively reviewing alternative options which may be suitable for the purposes of the Mission Dine Club.

### **3.4 Next Steps**

- 3.4.1 The milestones following a decision by the Executive to determine this proposal to alter Newfield Primary School are set out in the timetable below:

<b>Milestone</b>	<b>Date</b>
Decision on Newfield Primary School expansion from 5 September 2011 through the provision of 420 permanent places (Reception to Year 6), conditional upon planning consent	15 February 2011
Planning Application submitted by	26 Nov 2010
Planning Committee consider application on	23 February 2011
Award of contract for building works by	07 March
Reception class with 30 new places commences on	5 September 2011
Year 1 class taking in the pupils from the temporary provision at Curzon Crescent Nursery commences on	5 September 2011
Year 2 class taking in the pupils from the 2009-10 'bulge' Reception class commences on	5 September 2011



## **4 Procurement**

- 4.1 The Planning Application has been submitted in advance of the Executive approval to this proposal to ensure that the statutory proposal can be implemented on time. However, if the statutory proposal is rejected then the planning application would be withdrawn.
- 4.2 Consultants have been appointed for this project under both delegated authority and under decision of the Executive on 15<sup>th</sup> November 2010.
- 4.3 On 15 November 2010, the Executive also agreed to delegate the decision to award contracts from appropriate frameworks to building contractors to the Director of Regeneration and Major Projects in order to minimise further delay in the delivery of this project. The report informed Members that it is not usual for award decisions to be delegated however it is considered justified in these circumstances where the implementation time is short.
- 4.4 Subsequently, the Council has undertaken a procurement process. The procurement of the contractors has been carried out using The Improvement Efficiency South East Framework (IESE) framework. This framework uses a two stage process for design and build projects. Under this two stage process, those bidding submit bids including indicative costs. The successful contractor under the bidding process is then awarded a pre-construction services contract under which they work on the costs in more detail and carryout some design work. If this work is satisfactory then the provider of the pre-construction services will be awarded the main works contract. The three schools proposed for expansion were put into two lots, lot one Preston Manor High School, and Lot two Brentfield and Newfield Primary Schools. The evaluation for both lots was split into quality 70% and cost plan 30%. The qualitative submission was evaluated by a panel consisting of officers from London Borough of Brent, external technical advisers and representatives from the individual schools. The cost plan submission was evaluated by the technical adviser's quantity surveyor. The whole process was overseen by a senior category manager from London Borough of Brent. The pre-construction services contract for lot two has been awarded to Morgan Sindall who are now working on the costs for the main works contract. A works contract will then be awarded under the delegation described in paragraph 4.3 above.

## **5 Financial Implications**

- 5.1 The capital costs of the expansion of Newfield Primary School are estimated at approximately £3.61m.
- 5.2 On 15 November 2010, the Executive agreed the sum of £3.1m to this project from Basic Needs Safety Valve funding totalling £14.76m allocated to the Council in November 2009 to support the provision of additional permanent primary places by 2011. This funding allocation is dependent on pupil numbers in the January 2012 census meeting those forecast for September 2011 and the Department for Education (DFE) have reserved the right to claw back funding where these targets have not been met. As such the allocation must be expended in full by August 2011 in order to achieve these targets.
- 5.3 If there is any subsequent reduction in the grant allocation any shortfall on this scheme's funding will have to be met from elsewhere within the schools capital programme.
- 5.4 The forecast shortfall of £0.51m arising from the difference between the approved Executive allocation of £3.1m and the current estimated cost of the project at £3.61m is proposed to be allocated from the schools capital programme. In the November 2010 Executive report, the sum of £4.34m was identified under the Capital programme for 2011/12 for further investment in other priority school expansion schemes in conjunction

with future years capital programme allocations. The forecast shortfall identified for Newfield Primary School will be met from this allocation which will reduce the funding available for subsequent priority expansion schemes. . The currently forecast additional requirements for the three ongoing proposed expansion projects at Preston Manor High School, Brentfield and Newfield Primary Schools totals £2.68m and will have to be met from the 2011/12 allocation detailed above. There will be a further report to Executive to give full details of the impact of this on the provision of other forecast expansion schemes and further proposed programmes of work.

- 5.5 The expansion of pupil numbers at the school will result in increased revenue costs for staffing and associated teaching costs. These increased costs will be met from the school's budget which will increase proportionately based on the formulaic allocation from the DFE.

## **6 Legal implications**

- 6.1 The procedure for the enlargement of Newfield Primary School is as required by The Education and Inspections Act 2006 and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 as amended. The Local Authority is entitled to make prescribed alterations to Newfield Primary School pursuant to powers granted by The Education and Inspections Act 2006, Sections 18 and 19 and in accordance with Schedule 4 Part 1 and Schedule 5 of the Regulations.
- 6.2 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 Regulation 30 of The School Organisation Regulations 2007 as amended.
- 6.3 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. LA 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.
- 6.4 The Council's legal officer advises on a) to d) that:
- a) Executive should decide this
  - b) The published notices meet the requirements
  - c) The required statutory consultations have been carried out
  - d) The proposals are not related to any other proposals
- 6.5 The Brent Executive acting on behalf of the Brent Local Authority is the Decision Maker pursuant to the Education and Inspections Act 2006 Section 21 (2) (f) and schedule 3 paragraph 30 of The School Organisation Regulations.
- 6.6 The Executive would need to have regard to Guidance issued by the Secretary of State before making a decision upon this proposal. Paragraphs 4.1 to 4.80 of the Guidance Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form (Excerpt attached in Appendix A) is applicable.
- 6.7 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.

- 6.8 The lease to Mission Dine is protected by the Landlord and Tenant Act 1954 (the Act) which means that notwithstanding the ending of the contractual term, the tenancy will be automatically continued until such time as it is terminated in one of the ways specified in the Act.
- 6.9 Furthermore upon the expiration of the business tenancy in accordance with the Act, Mission Dine will have a statutory right to apply to court for a new tenancy and Brent Council may only oppose that application on certain statutory grounds.
- 6.10 The relevant section where a landlord wishes to terminate a protected tenancy is s25 of the Act and the landlord must serve a notice on the tenant in the prescribed form and give not less than 6 months, nor more than 12 months before the date of termination specified in it which cannot be earlier than the contractual term date.
- 6.11 Where the landlord is opposed to the grant of a new tenancy the notice must also specify one or more of the grounds specified in section 30(1) of the Act as the ground or grounds for its opposition.
- 6.12 Some of the grounds confer discretion on the court whether or not to order a new tenancy even if the ground is made out. However where the landlord can prove one of the mandatory grounds, such as its intention to demolish or reconstruct the premises on the termination of the current tenancy, the court must refuse the tenant's application.
- 6.13 The tenant may be entitled to compensation for failing to obtain a new tenancy.
- 6.14 **Decision Making:**
- 6.15 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;  
**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 closed on 30 December 2010.**
  - 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?  
**The Newfield Primary School proposal is not 'related' to other proposals.**
- 6.16 **Types of Decision**
- 6.17 All decisions must give reasons for the decision, irrespective of whether the proposals were rejected or approved, indicating the main factors/criteria for the decision.
- 6.18 In considering prescribed alteration proposals, the Decision Maker can decide to:
- reject the proposals;

- 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.

6.19 The following bodies may appeal against an LA decision:

- The local Church of England diocese;
- The Bishop of the local Roman Catholic diocese;
- the Young People's Learning Agency (previously the LSC) where the school provides education for pupils aged 14 and over; and
- The governing body of the Community School that is proposed for expansion.

6.20 Any appeals must be submitted to the LA within 4 weeks of the notification of the LA decision. On receipt of an appeal the LA must then send the proposals and the comments and objections received, to the schools adjudicator within 1 week of 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.

6.21 Legal Services has also been involved in the procurement described in section 4 above and will be involved in formalising the works contract to ensure that it complies with standing orders and allocates risk to the contractor as appropriate to protect the Council's interest. A Works contract of the value outlined in section 4 is a High Value contract under the Council's Contract Standing Orders and needs to be tendered under the EU public procurement regime. Here the use of an IESE framework means that a further EU tender is not required, and furthermore the delegation by the November Executive means that the Executive is not required to award the works contract.

## **7 Diversity Implications**

7.1 In 2008, the Council consulted widely on schools strategy in Brent, receiving over 800 responses. Brent residents were in favour of the Council's strategy for school places and believed that the LA should play a major role in managing and running schools. Over two thirds of participants did not feel they were disadvantaged in obtaining a school place for their children due to any of the main diversity strands. Over, 90% did not feel they were disadvantaged due to their gender. This was also true for 85% of participants in relation to disability; 77% in relation to ethnicity; and 66% in relation to their faith.

7.2 The school proposed for expansion has a diverse ethnic representation of children. Expanding Newfield Primary School would enable the Council to provide additional new places required for Brent's growing pupil population.

7.3 The expansion will improve choice and diversity. The impact on Equalities will be kept under review and reported to the members on a regular basis.

7.4 An Equalities Impact Assessment has been completed and is currently being reviewed by the Council's Diversity Team. The Executive will be informed of any concerns raised by the Diversity Team at the meeting.

## **8 Staffing Issues**

- 8.1 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 schools' budgets.

## **9 Background Papers**

- Statutory Proposal Files
- Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form.
- Confirmation from DCSF on allocation of the BNSV funding (Brent Council allocated £14,766,000 ) is available at the following link:  
<http://www.teachernet.gov.uk/docbank/index.cfm?id=14690>
- Research Study - A Good School Places for Every Child in Brent, 2008.  
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## **10 Appendices**

Appendix A – Guidance Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form (complete guidance document available from Property & Asset Management Service or at [www.dcsf.gov.uk/schoolorg](http://www.dcsf.gov.uk/schoolorg)).

Appendix B – complete statutory proposals document

Appendix C – Location Map

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