

**CABINET MEMBER FOR SCHOOLS IMPROVEMENT  
5 JANUARY 2010**

**PROPOSED EXPANSION OF ST NICHOLAS PRIMARY SCHOOL,  
MARSTON**

**Report by interim Director for Children, Young People & Families**

**Introduction**

1. At the meeting on 20 October 2009 the Cabinet agreed to the publication of formal proposals to expand St Nicholas Primary School from 1.5-form entry to 2-form entry. The report outlining the basis for this decision is attached at Annex 1.
2. The statutory notice (attached at Annex 2) was published by the Authority in the Oxford Mail on 2 November 2009 and expired following 4 weeks of formal consultation on 30 November 2009. In accordance with legislation the notice was also posted at the school entrance and local library. A copy of the proposal (attached at Annex 3) and the notices were sent to the governing body and the Secretary of State and additionally made available on the Oxfordshire County Council website.
3. The decision-making power in terms of determining the notice lies with the Cabinet or can be delegated to the Cabinet Member for Schools Improvement. This follows decisions taken by the Cabinet in July 2007 under new legislation encompassed in the Education & Inspections Act 2006 (EIA 2006) whereby School Organisation Committees were abolished and arrangements became the responsibility of the relevant local authority. In meeting as 'decision-maker' the Cabinet or Cabinet Member must have regard to government guidance and statutory timescales otherwise a decision can be referred to the independent Schools' Adjudicator for reconsideration. Also at its meeting in July 2007 the Cabinet confirmed that in considering notices as 'Decision-maker' it was necessary for the Chairman of the Council to determine that the decision could not be subject to 'call-in' as this would, in most cases, mean that the Cabinet's role would be negated by referral to the Schools' Adjudicator. The Cabinet decision must be made within 2 months of the close of the notice period.
4. As no representations in relation to the proposal have been received the decision is referred to the Cabinet Member for Schools Improvement. The proposed implementation date for the proposal is 1 September 2010.

**The Proposal**

5. The proposal is to increase the admission number from 45 to 60 children, on a permanent basis from September 2010. This will eventually increase the school's total roll from 270 children in Years 1-6 to a maximum of 360.

6. To accommodate this growth in pupil numbers, in the first instance two more classrooms will be needed by September 2010. The amount of hall space will be increased by creating a separate external storage space for PE equipment and dining furniture currently kept in the hall. The new accommodation will be provided by extending the existing KS1 block and will include:
  - 2 KS1 classrooms
  - Small group room
  - Cloakroom and WC's
  - Storage
7. Should the school continue to fill an admission number of 60, there will subsequently be a need for a third additional classroom for KS2, and an extension of the staff room.

### **Representations**

8. No representations have been received in relation to this notice during the statutory consultation process.

### **Making a Decision**

9. In terms of reaching a decision all proposals should be considered on their merits but the following factors should be borne in mind but are not considered to be exhaustive. The Cabinet Member for Schools Improvement must be satisfied that the statutory consultation has been carried out prior to the publication of the notice. Details of the consultation should be included in the proposals. The Decision Maker must be satisfied that the consultation meets statutory requirements. If some parties submit objections on the basis that consultation was not adequate, the Decision Maker may wish to take legal advice on the points raised. If the requirements have not been met, the Decision Maker may judge the proposals to be invalid and should consider whether they can make a decision on the proposals. Alternatively the Decision Maker may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposals as a whole.
10. **The effect on standards, school improvement and diversity.** The government aims to create a dynamic system shaped by parents that delivers excellence and equality, closing weak schools, encouraging new providers and popular schools to expand. Decision Makers should be satisfied that the proposals will contribute to raising local standards of provision and improved attainment and consider the impact on choice and diversity. They should pay particular attention to the effect on groups that tend to under-perform including children from certain ethnic minorities and deprived backgrounds. The decision-maker should consider how the proposals will help deliver the 'Every Child Matters' principles.
11. **School characteristics.** The decision-maker should consider whether there are any sex, race or disability discrimination issues that arise and whether there is supporting evidence to support the extension and take into account the existence of capacity elsewhere. The decision-maker needs to consider

the accessibility of the provision for disadvantaged groups as the provision should not unduly extend journey times or cost.

12. **Funding and land.** The decision-maker should be satisfied that any capital required to implement the proposals will be available.

### **Financial and Staff Implications**

13. The financial implications of this report are linked to the capital works that will be carried out should the proposal be approved. The provision of two additional KS1 classrooms and an extension to the hall is already identified in the Capital Programme and Forward Plan at an estimated cost of £750,000 inclusive of fees. A detailed project approval for this work is being prepared, and the exact level of funding will be confirmed as the details of the project are finalised. If the school continues to fill an admission number of 60, creating the need for a third additional classroom for KS2, this will be the subject of a separate detailed project approval in due course.
14. The main source of funding for the project will be the CYP&F Capital Programme. A contribution of £70,000 towards the cost of the project will also be made available from the school's Devolved Capital Funding. As well as contributing to the construction cost a proportion of the school funding will be required to provide the necessary furniture and equipment, including ICT equipment, for the new spaces.

### **RECOMMENDATIONS**

15. **The Cabinet Member for Schools Improvement is RECOMMENDED to either:**
- (a) reject the proposals;**
  - (b) approve the proposals;**
  - (c) approve the proposals with a modification (e.g. the proposal implementation date); or**
  - (d) approve the proposals subject to them meeting a specific condition.**

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Interim Director for Children, Young People & Families

Background papers: Initial consultation document

Annexes: Annex 1: Cabinet report 20 October 2009  
Annex 2: Statutory notice  
Annex 3: Statutory proposal

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**CABINET– 20 OCTOBER 2009**

**PROPOSAL TO EXPAND ST NICHOLAS PRIMARY SCHOOL,  
MARSTON**

**Report by Director for Children, Young People & Families**

**Introduction**

1. St Nicholas Primary School has a published admission number of 45 children. For September 2008, 57 parents chose the school as their first preference. Oxford city is experiencing a rapid growth in pupil numbers, and Primary Care Trust records and the annual census of local children in early years settings show that the demand for places at St Nicholas Primary School is likely to continue to be above the planned admission number. Other nearby schools are also expected to be full or nearly full.
2. The school agreed to take 60 children in September 2009 as a temporary measure to meet this demand.

**The Proposal**

3. The proposal is to increase the admission number from 45 to 60 children, on a permanent basis from September 2010. This will eventually increase the school's total roll from 270 children in Years 1-6 to a maximum of 360.
4. To accommodate this growth in pupil numbers, at least two more classrooms will be needed by September 2010. The amount of hall space will be increased by creating a separate external storage space for furniture currently kept in the hall. Car parking space for staff will also be extended.

**Representations**

5. During the informal consultation phase (8 June 2009 – 20 July 2009) a meeting was held at the school for parents to discuss their concerns with the headteacher, school governors and a County Council officer. The head teacher also held a separate meeting with local residents.
6. A consultation document (Annex 1) was sent to parents of children at St Nicholas Primary School, as well as to local councillors, other primary schools and early years providers in the Marston area; it was also available on the OCC website. Nineteen responses were received. The majority of these expressed concerns, mostly regarding access and road issues.
  - Three responses were from parents of children already at the school. While supporting the expansion overall, two parents expressed some

concern over whether space at the school, including the hall, would be sufficient, and one was concerned that parking at the school would be insufficient.

- The Archdiocese of Birmingham responded that they have no objections in principle to the expansion, but wish to ensure that the proposal will not be detrimental to any Catholic schools in the area, and that if numbers continue to grow in the area, that all schools, including voluntary aided schools, should be fully supported in accommodating any increased intake.
- One other local school responded, in favour of the expansion.
- Responses were received from the leader of Oxford City Council, as well as two City councillors and a County councillor for the Marston ward. The City Executive Board expressed their general support for the expansion plan, subject to further consideration of transport and access arrangements. The ward councillors further expressed support for the expansion, but reiterated concerns regarding transport issues, including the need for: Raymund Road to be resurfaced; the school to have a good traffic plan to deal with the additional traffic; a pedestrian crossing over Oxford Road; and traffic planning to include the different uses of the Harlow Centre (the former middle school site adjacent to St Nicholas School).
- The remaining responses were from local residents, all of whom raised concerns about parking, increased traffic, or the need for access roads to be resurfaced. In total, fourteen of the nineteen responses commented on these issues. Specific requests were that:
  - (i) Raymund Road be resurfaced and kerbs repaired (Rippington Drive and Arlington Drive were also mentioned);
  - (ii) New access to the school be provided, from Oxford Road or Marston Ferry Road;
  - (iii) Additional parking for parents be provided *or* stronger parking controls introduced in the area.

7. With respect to concerns about traffic, the school has already taken a number of actions to reduce the numbers of children arriving to school by car, and has a high level of walking/cycling to the school. The school's current travel plan dates from March 2007, and work is underway to update it to reflect the increased pupil numbers. The County Council School Travel Plans team has advised that they would not support any work to allow easier vehicle access for parents or provision for parental parking on the school site for dropping off at the school, as this goes against the transport service objectives of increasing walking and cycling to school. They would support work to improve pedestrian or cycle access to the site.

8. Some repairs have been made to the surface of Raymund Road since this consultation period closed. Regarding future road deterioration the County

Council's Transport team has advised that as construction traffic will be short term it is likely to have little effect, and that additional car traffic will have no significant effect.

9. In accordance with Department for Transport guidance on Transport Assessments, architects acting for the County Council have prepared a Transport Statement for the preliminary planning statement. This states that "Due to the tightly packed nature of the residential area, there are no plans to increase the access road to the school. It is felt that the increase in pupil numbers that the school are obliged to accept will not have an adverse affect on traffic levels within the area. Pupils will be encouraged to utilise the wealth of public transport and cycle ways that surround the school. This coupled with the catchment area should limit the need for pupils to arrive by public transport".
10. As objections in relation to the proposal have been received, the decision on whether to publish a formal statutory proposal is referred to the Cabinet rather than the Cabinet Member for Schools Improvement.

### **Making a Decision**

11. As this is a proposal to increase the size of the school by more than 25%, it is subject to statutory procedures, as established by The Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended by The School Organisation and Governance (Amendments)(England) Regulations 2007 which came into force on 21 January 2008).
12. A decision is now required as to whether to publish formal proposals for this expansion. If approved, a statutory notice would be published, followed by a formal consultation period of four weeks. The decision-making power in terms of determining the notice will lie with the Cabinet, and a report will be put to the Cabinet Member for Schools Improvement if no representations are received, or to Cabinet if representations are received, for a final decision in due course.
13. The Cabinet must be satisfied that the statutory consultation has been carried out prior to the publication of the notice.

### **Financial and Staff Implications**

14. The financial implications of the report are linked to the capital works that will be carried out should the proposals be approved, and these will be the subject of a separate detailed project approval. There will also be on-costs for the school for additional staff and increased maintenance requirements.

## RECOMMENDATIONS

15. **The Cabinet is RECOMMENDED to approve the publication of a statutory notice for the expansion of St Nicholas Primary School, Marston.**

JANET TOMLINSON  
Director for Children, Young People & Families

Background papers:           consultation document

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