

# Agenda



## AGENDA FOR A MEETING OF THE EDUCATION, LIBRARIES AND LOCALISM CABINET PANEL IN THE COUNCIL CHAMBER ON THURSDAY, 14 DECEMBER 2017 AT 10:00AM

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### **MEMBERS OF THE EDUCATION, LIBRARIES AND LOCALISM CABINET PANEL (12)** (Quorum 3)

J Billing, A P Brewster, C Clapper, T L F Douris (*Chairman*), M S Hearn, C K Hogg, T R Hutchings (*Vice Chairman*), S K Jarvis, J R Jones, A Plancey, J F Wyllie, M A Watkin

Meetings of the Panel are open to the public (this includes the press) and attendance is welcomed. However, there may be occasions when the public are excluded from the meeting for particular items of business. Any such items are taken at the end of the public part of the meeting and are listed under "Part II ('closed') agenda".

The Council Chamber is fitted with an audio system to assist those with hearing impairment. Anyone who wishes to use this should contact main (front) reception.

**Members are reminded that all equalities implications and equalities impact assessments undertaken in relation to any matter on this agenda must be rigorously considered prior to any decision being reached on that matter.**

**Members are reminded that:**

- (1) if they consider that they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting they must declare that interest and must not participate in or vote on that matter unless a dispensation has been granted by the Standards Committee;**
- (2) if they consider that they have a Declarable Interest (as defined in paragraph 5.3 of the Code of Conduct for Members) in any matter to be considered at the meeting they must declare the existence and nature of that interest but they can speak and vote on the matter**

## PART I (PUBLIC) AGENDA

### 1. MINUTES

To agree the minutes (Part 1) of the last meeting of the Education, Libraries and Localism Cabinet Panel held on 7 November 2017.

### 2. PUBLIC PETITIONS

The opportunity for any member of the public, being resident in Hertfordshire, to present a petition relating to a matter with which the Council is concerned, which is relevant to the remit of this Cabinet Panel and which contains signatories who are either resident in or who work in Hertfordshire.

Members of the public who are considering raising an issue of concern via a petition are advised to contact their [local member of the Council](#). The Council's criterion and arrangements for the receipt of petitions are set out in [Annex 22 - Petitions Scheme](#) of the Constitution.

If you have any queries about the petitions procedure for this meeting please contact Stephanie Tarrant, Democratic Services Officer, by telephone on (01992) 555481 or email [stephanie.tarrant@hertfordshire.gov.uk](mailto:stephanie.tarrant@hertfordshire.gov.uk).

Notification of intent to present a petition has been received for the following petitions:-

1. John Hansen, details provided under 2A below.
2. John Wallace, details provided under 2B below.

### 2A. TO RECEIVE A PETITION FOR COUNCIL ACTION TO RECONSIDER THE DECISION TO BUILD A NEW HARPENDEN SCHOOL ON THE SITE EAST OF COMMON LANE

#### Report of the Director of Children's Services

Local Members: David Williams (Harpenden North East)  
Teresa Heritage (Harpenden South West)  
Annie Brewster (Harpenden Rural)  
Richard Thake (Knebworth and Codicote)  
Terry Douris (Bridgewater)  
David Barnard (Hitchin Rural)  
Richard H Smith (Welwyn)

Notice has been received that John Hansen wishes to present a petition in the following terms:

*"We the undersigned, as residents of the Harpenden School Planning Area, petition Hertfordshire County Council (HCC), in conjunction with Education Funding Agency (EFA), to rerun the site evaluation and selection process, including scoring that led to the Site East of Common Lane (Site F) being chosen as a potential new school site, before any further work is carried out on the Harpenden School project due to*

*significant changes in the factors considered in the previous exercise.*

*In the original scoring used to justify site selection no account was taken of the following (in no particular order):*

*1) Site F's owners ambitions to develop part of the site for housing, and the consequent effects on school building;*

*2) The ambition of South Beds to develop housing on the Harpenden Northern border.*

*3) The rising levels of traffic caused by housing development on the Lower Luton Rd and North Harpenden and the continuing expansion of Luton Airport.*

*4) Two separate Archaeological investigations by the University of Bristol on only one corner of the site using Magnetometry and Ground Penetrating Radar have revealed a significant variety of constructions on the site which merit a thorough investigation of the entire site,*

*5) The original decision (as stated in minutes of HCC Cabinet meeting 23 September 2013) was based on a permanent increase in demand of 5 Forms of Entry over current school place provision, while the latest HCC forecasts, produced just 3 years later, show a fall to a demand for 0 Forms of Entry by the end of the forecast period, i.e. no shortfall. We believe this evidence that was not available at the time the search and evaluation processes were undertaken and has a material bearing on the nature and location of an appropriate site for needs of the area.*

*As this evidence was not available at the time the search and evaluation processes were undertaken and has a material bearing on the nature and potential location of an appropriate site for the needs of the area.*

*Any one of the above is enough to mean the circumstances for releasing this site from green belt cannot be justified”.*

A report on the subject of the petition is attached (2A).

**2B. TO RECEIVE A PETITION FOR COUNCIL ACTION TO ADDRESS SOLUTIONS TO PRIMARY PROVISION IN CENTRAL ST ALBANS**

*Report of the Director of Children's Services*

Local Members: Chris White - St Albans Central,  
Anthony Rowlands - St Albans East,  
Sandy Walkington - St Albans South

Notice has been received that John Wallace wishes to present a petition in the following terms:

*“We petition Hertfordshire County Council to address the inadequate provision of primary school places in the central area of St Albans (St Peter's Ward and the station area) by expanding a local existing school and/or building a new school.*

*In the interim, to provide immediate relief by providing a bulge class to a City Centre school.*

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*School allocation data for September 2017 showed that 70 children in Central St Albans did not get one of their four ranked choices and have instead been offered a school that is miles from their home.*

*In addition, some parents felt the need to include a school far from their home in their choices in order to safeguard 'choosing' good schools. This has skewed the Council's data, as it implies that parents have been given one of their preferred schools. The reality is that these parents would have preferred a local school and felt forced to choose larger schools a distance away to safeguard the quality of the schools that they chose.*

*Particularly, there is a 'black hole' around the station where children had no hope of getting into their nearest school, St Peter's.*

*Under-provision in the central area is currently:*

- Pulling communities apart by sending a large number of children outside their local area for schooling*
- Making St Albans a less attractive location for families to raise children*
- Adding to the already congested rush hour traffic with associated environmental effects*
- Making living in prime commuter territory untenable for those with young families*
- Limiting the career and work options for parents forced into travelling greater distances at the start and end of the day*

*This inadequate provision is exacerbated by the continuing building development in the area. For example, 80 dwellings on London Road (Gabriel Square) are being marketed to those with families. However, there is already insufficient provision for local primary schooling and without doubt these families will be in the same position in 2018/19*

*In the short term, we propose an additional bulge class in central St Albans for September 2017 to fulfil the specific demand for schools in this area. We understand that schools close to the City Centre have this capacity.*

*In the long term our proposals are:*

- 1. Permanent expansion of an existing local school to accommodate the children (both now and in the future) who are currently not served by any school.*
- 2. Building a new school to support the growing local community.*

*We urge the council to re-evaluate the allocation of extra places for the long-term benefit of all central and all St Albans residents."*

A report on the subject of the petition is attached (2B).

**3. SCHOOL TO SERVE HIGH LEIGH HOUSING DEVELOPMENT AND POTENTIAL RELOCATION OF WESTFIELD COMMUNITY PRIMARY SCHOOL, HODDESDON**

Joint Report of the Director of Children's Services and the Director of

Resources

**4. OTHER PART I BUSINESS**

Such other Part I Business which, if the Chairman agrees, is of sufficient urgency to warrant consideration.

**PART II ('CLOSED') AGENDA**

**EXCLUSION OF PRESS AND PUBLIC**

Part II business has been notified. The Chairman will move:-

“That under Section 100(A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item/s of business on the grounds that it/they involve/s the likely disclosure of exempt information as defined in paragraph/s paragraph 3 of Part 1 of Schedule 12A to the said Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

**PART II AGENDA**

**1. SCHOOL TO SERVE HIGH LEIGH HOUSING DEVELOPMENT AND POTENTIAL RELOCATION OF WESTFIELD COMMUNITY PRIMARY SCHOOL, HODDESDON**

*Joint Report of the Director of Children's Services and the Director of Resources*

If you require further information about this agenda please contact Stephanie Tarrant, Democratic Services, on telephone no (01992) 555481 number or email [stephanie.tarrant@hertfordshire.gov.uk](mailto:stephanie.tarrant@hertfordshire.gov.uk).

Agenda documents are also available on the internet at <https://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings.aspx>

**KATHRYN PETTITT  
CHIEF LEGAL OFFICER**

# Minutes



To: All Members of the Education,  
Library and Localism Cabinet  
Panel, Chief Executive, Chief  
Officers, All officers named for  
'actions'

From: Legal, Democratic & Statutory Services  
Ask for: Stephanie Tarrant  
Ext: 25481

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## EDUCATION, LIBRARIES AND LOCALISM CABINET PANEL 7 NOVEMBER 2017

### ATTENDANCE

### MEMBERS OF THE PANEL

J Billing, A P Brewster, T L F Douris (*Chairman*), M S Hearn, C K Hogg, T R Hutchings (*Vice Chairman*), S K Jarvis, J R Jones, J S Kaye (substituted for C Clapper), A Plancey, J F Wyllie, M A Watkin

Upon consideration of the agenda for the Education, Libraries and Localism Cabinet Panel meeting 7 November 2017 as circulated, copy annexed, conclusions were reached and are recorded below.

*Note: No declarations of interest were made at this meeting.*

### PART I ('OPEN') BUSINESS

#### 1. MINUTES

- 1.1 The minutes (Part I) of the previous meeting held on 14 September 2017 were agreed.

#### 2. PUBLIC PETITIONS

- 2A The Panel were notified that the petition 'for Council action to reconsider the decision to build a new Harpenden school on the site east of Common Lane' was to be deferred to the December 2017 Panel.

#### 3. PROPOSED CONSULTATION ON HERTFORDSHIRE COUNTY COUNCIL ADMISSION ARRANGEMENTS FOR 2019/20

[Officer Contact: Jayne Abery, Strategy and Policy Manager,  
Admissions & Transport, Tel No: 01992 588785 / Pauline Davis,  
School Place Planning Manager]

### ACTION

CHAIRMAN'S  
INITIALS

.....

- 3.1 Members reviewed a report which detailed the proposed consultation on Hertfordshire County Council admission arrangements for 2019/20.
- 3.2 The Panel heard that the reduction in the published admission number at Watton-at-Stone Primary and Nursery School to 30 would enable the school to be more efficient in the management of resources. Members noted that the recommendation was updated from the report to include the school's full name.
- 3.3 A minor amendment was required to the definition of 'nearest school' for the purpose of admission arrangements as detailed at 4.7 of the report. This was to ensure that there was not any unintentional bias going forward.
- 3.4 It was noted that these changes would be consulted on up to 31<sup>st</sup> January 2018, subject to approval from Cabinet.
- 3.5 In response to a Member question, it was confirmed that Wilshere-Dacre Junior School was now an academy and not a community school as listed. It was also advised that it was still linked to Strathmore Infant and Nursery School.

**Conclusion**

- 3.6 Panel recommended to Cabinet that:-
  - consultation is undertaken proposing that :
    - the definition of "nearest school" for use in rule 5 of the County Council's primary oversubscription criteria is amended, as detailed at 4.7 of the report;
    - reference to the Shared Anti-Fraud Service is added to the definitions section in the cases of fraudulent address verification;
    - the published admission number at Watton-at-Stone Primary and Nursery School is reduced to 30.
  - the remainder of the County Council's admission arrangements and schemes of coordination are retained for 2019/20.

**4. OUTCOME OF THE PUBLIC CONSULTATION ON THE PROPOSAL TO CHANGE THE AGE RANGE OF WIDFORD SCHOOL TO ALLOW NURSERY-AGED CHILDREN TO BE ADMITTED FROM THE AGE OF 2**

[Officer Contact: Pablo Benvenuto, Development and Commissioning Officer, Family Services Commissioning, Tel: 01992 555305 / Samantha Young, Planning Officer, School Planning, Tel: 01992 555754]

- 4.1 Members reviewed a report which detailed the outcome of the public consultation on the proposal to change the age range of

Widford School from 4 to 11 years to 2 to 11 years.

- 4.2 Members heard that the outcome was due to the closure of the local preschool. It was advised that the preschool was located within the schools grounds and was a case of the school taking over the space.

### **Conclusion**

- 4.3 The Panel recommended to Cabinet that it accepts the proposal and authorise the Director of Children's Services to publish a statutory notice.

## **5. OUTCOME OF THE PUBLIC CONSULTATION ON THE PROPOSAL TO 'AMALGAMATE' REDBOURN JUNIOR SCHOOL AND REDBOURN INFANTS AND NURSERY SCHOOL**

[Officer Contact: Phil Brunt, Planning Officer, School Planning Team, Tel: 01992 555811]

- 5.1 Members reviewed a report which detailed the outcome of the public consultation on the proposal to 'amalgamate' Redbourn Junior School and Redbourn Infants and Nursery School.
- 5.2 The Panel heard that the two schools were linked and had requested amalgamation. It was noted that a number of consultation letters had been sent out, with 26 responses received and 89% of respondents agreeing with the proposal.
- 5.3 The Local Member noted that feedback on the proposal had been positive.
- 5.4 In response to a Member question, it was noted that there were still a number of infant and junior schools based on the same sites across the county. It was noted that amalgamation was not imposed on these schools but considered if requested.

### **Conclusion**

- 5.5 The Panel recommended to Cabinet that it accepts the proposals and authorise the Director of Children's Services to publish statutory notices to:
- close Redbourn Junior School on 16 April 2018; and
  - increase the age range of Redbourn Infants and Nursery School to 11 from 17 April 2018.

**6. OUTCOME OF THE PUBLIC CONSULTATIONS ON THE PROPOSAL TO INCREASE THE NUMBER OF PLACES AT WOODFIELD, BREAKSPEARE SCHOOL ON THE SITE OF MEADOW WOOD AND HAYWOOD GROVE SPECIAL SCHOOLS**

[Officer Contact: Debbie Orton, Head of Integrated Services for Learning, Tel – 01992 588556, Phil Brunt, Planning Officer, School Planning Team, Tel – 01992 555811]

- 6.1 Members reviewed a report which detailed the outcome of the public consultation on the proposal to increase the number of places at Woodfield, Breakspeare school on the site of Meadow Wood and Haywood Grove special schools.
- 6.2 It was advised that there had been a low level response to the consultation and that the planned outcome was to increase the number of school places at each school by eight places each.
- 6.3 Members were advised an error at 7.3 of the report and noted that the number of places should be 24 instead of 16. It was advised that the costs entailed should be proportionate to those reported, with all costs met through the Dedicated Schools Grant.
- 6.4 The Panel welcomed these positive changes and it was advised that the service had been working closely with all three schools and that they were keen to progress with the proposals.

**Conclusion**

- 6.5 Panel recommended to Cabinet that it accepts the proposals and authorise the Director of Children’s Services to publish a statutory notice.

**7. ‘INSPIRING LIBRARIES’ – THE NEXT PHASE**

[Officer Contact: Andrew Bignell – Head of Libraries and Heritage Services, Tel: 01707 281559]

- 7.1 The Panel reviewed and considered a report which detailed the ambitions and priorities for the next phase of the Inspiring Libraries Strategy from April 2018. Members noted that the ‘Inspiring Libraries’ strategy was adopted by Cabinet in July 2014 to provide vision and direction for the library service within a sustainable budget. Members acknowledged the changes to date across the library service and congratulated the professional staff and volunteers that have helped to deliver the strategy.
- 7.2 Members commented that the source of income from library fines had declined and discussed whether new initiatives to generate funding had been explored e.g. renting meeting rooms. Members heard that revenue streams were being considered and developed for libraries, including room hire, reading group charges and

donations for early year's activities. It was noted that the efforts to develop new revenue streams were being offset by the decline in traditional sources of income.

- 7.3 The Panel discussed the co-location of libraries and noted that initially 11 libraries were identified as priorities for re-provision, as they were not fit to deliver a modern library service. No solution has yet been identified for 4 of these libraries. It was noted that all proposals for co-location were considered but location was crucial, therefore each proposal was looked at on a case by case basis.
- 7.4 Members commented on the future of e-libraries and it was noted that there had been a surge in virtual library visits, where users were able to renew/reserve books online. The e-library was used to access e-books instead of the paper copy. It was noted that whilst the use of e-books continued to grow, it would increase alongside the use of physical books.
- 7.5 Members discussed the use of CreatorSpaces within libraries and considered their aim. It was advised that the areas were created to provide individuals and groups the opportunity to experiment and experience a range of technology that they may not otherwise have access to. Members heard that the areas had been popular with coding clubs as well as used for research. It was noted that West Herts College volunteers were helping to promote the two CreatorSpace areas currently available.
- 7.6 Members discussed the community libraries and noted that clear guidance was required for the financial support available to volunteer groups. Members advised that locality budgets had been requested to support community libraries, but that this support was not intended to be ongoing and therefore if community volunteer groups were expected to fundraise, then a clear policy was required to support them.
- 7.7 In response to a Member question on 5.1.6 of the report, it was noted that the service were looking for alternative buildings for the libraries listed as the buildings were either unsuitable for a modern library service or in the wrong location.
- 7.8 The Liberal Democrat group noted that clarity on the impact the strategy would have on the budget was needed and therefore abstained from voting on the recommendation.

### **Conclusion**

- 7.9 That Panel recommended to Cabinet that it endorses the ambitions and priorities for the next phase of the 'Inspiring Libraries' Strategy, as set out in the report.

It was noted that C K Hogg, S K Jarvis and M A Watkin abstained.

**8. AN ALTERNATIVE DELIVERY MODEL FOR HERTFORDSHIRE LIBRARIES**

[Officer Contact: Andrew Bignell – Head of Libraries and Heritage Services, Tel: 01707 281559]

- 8.1 The Panel considered a report which presented proposals to explore an alternative delivery model for Hertfordshire Libraries as the best means of delivering the ambitions of the Inspiring Libraries Strategy and achieving required budget savings.
- 8.2 Members heard that a mutual model had been identified to be explored further with comparable authorities (Suffolk, Nottinghamshire and Devon) having moved to this model. It was noted that a change in model had the potential to save the County Council an estimated £588,000 each year, in addition to making the library service more flexible and gaining access to different grants and alternative funding. However, Members heard that there were some challenges to introducing a new model, with the county Council still holding the statutory responsibilities for libraries but potentially with less control over what was being delivered.
- 8.3 Members discussed whether the ‘Inspiring Libraries’ strategy was still work in progress and whether it was too early to be looking at another radical change. It was advised that initially this recommendation would be to explore the option further before presenting back to Panel on the findings in Spring 2018. It was noted that the County Council had a good track record of separating out services e.g. Herts for Learning and it was noted that the model had been trialled by other local authorities.
- 8.4 The Panel discussed whether an alternative delivery model would make it difficult to manage how the library service evolved and queried how the service would be accountable and who it would be governed by. Members heard that these issues would need to be considered by the working group; however the commissioning of the service would be very much a partnership with major decisions referred back to the County Council. It was advised that the library service was required to save an additional £500,000 and that this model would enable it to achieve the saving without having to make changes to front line delivery.
- 8.5 Members expressed the need for clarity of governance arrangements to be included in the recommendation. The Chairman proposed an amendment to the first recommendation, as detailed below; this was seconded by the Vice Chairman.

- A multi-disciplinary working group be established to further

explore the business case and governance arrangements for establishing an alternative delivery model for Hertfordshire Libraries, including representatives from Legal Services, Finance and HR.

- 8.6 The Panel acknowledged that the finding of the working group would be brought back to the Panel whether or not the service was recommending proceeding with this model. It was noted that if the service were to go ahead then it would take around a year to eighteen months to implement from decision.

### **Conclusion**

- 8.7 That Panel recommended to Cabinet that:

- A multi-disciplinary working group be established to further explore the business case and governance arrangements for establishing an alternative delivery model for Hertfordshire Libraries, including representatives from Legal Services, Finance and HR.
- An application should be made to the Department for Digital, Culture, Media and Sport (“DCMS”) Mutuels Team for free professional support and advice to inform this work.
- A consultation document should be published on the principle of creating an alternative delivery model for Hertfordshire Libraries in order to seek feedback on the idea from customers, partners, stakeholders, library staff and volunteers.
- This work should inform a further paper to be presented to Panel and to Cabinet in the spring of 2018, when a decision will be taken on whether to adopt an alternative delivery model.

It was noted that J Billing abstained.

## **9. FUTURE MANAGEMENT OF HERTFORDSHIRE COUNTY COUNCIL’S ART COLLECTION**

[Officer Contact: Taryn Pearson-Rose – Assistant Director Customer Engagement & Libraries, Tel: 01992 556651]

- 9.1 Members received a report which detailed the proposals to reduce the County Council’s Art Collection to a smaller portfolio of 167 works that were relevant to Hertfordshire. The County Council Art Collection currently held 1826 works which had been valued at £26.2 million for insurance purposes and with no resource to manage the collection since 2012, the works were at the risk of deteriorating. It was noted that the estimated net income from the sale of works with no connection to Hertfordshire would be

between £196,000 and £300,000. It was noted that the County Council did not have a statutory duty to manager the collection.

- 9.2 Members were advised that professional art consultants were commissioned and carried out a review of the collection with the proposals from the findings detailed at 5.1 of the report.
- 9.3 The proposal to close the schools loan collection was noted. The collection was a 1950s initiative and was frozen in 2012 due to the decline in use by schools.
- 9.4 Members discussed the absence of a clear policy for the County Council's Art Collection and noted a concern around the transfer of work to private owners, with no access to the public.
- 9.5 In response to a Members question on why only £50,000 of the sales income would be used to conserve other significant works in future years, it was advised that it had been requested that £50,000 be ring-fenced for the ongoing conservation of works kept. Members heard that all of the income would normally go back into a central pot and then the service could bid for funding as and when required. It was noted that the service did not currently have any budget and was able to move forward with this project due to a successful Invest to Transform bid. Members commented on the ongoing budget required to maintain the collection kept and it was advised that following the consultation process it would be clearer to understand the budget implications.
- 9.6 Members noted that those pieces of works with local historical value are conserved and kept in Hertfordshire where they can be cherished.
- 9.7 It was advised that there was a new museum and art gallery, displaying pop up exhibitions in St Albans from May 2018 and noted that this could be considered for suitable works.
- 9.8 In response to a Member question on the consultation process and the categories the works were split into, it was advised that the process was due to commence in January 2018. Members heard that there would be a lot of work with museums and galleries to engage them in the process, as well as press releases. It was advised that the categories had been spilt up based on the recommendation of the consultants and that they would be consulted on over a period of time in order to allow the analysis of the consultation to commence sooner. There would be an image and short description place online for each item.
- 9.9 It was noted that this item would not be presented back to the Cabinet Panel following consultation as subject to Cabinet agreement and the consultation process, the school arts collection

would be closed and the works not relevant to Hertfordshire disposed of. Members were assured that the Executive Member for Education, Libraries and Localism and the Director of Resources would take responsibility of authorising the disposal of works following full consultation. Any items of uncertainty following consultation would be reflected on further.

## **Conclusion**

9.10 The Panel recommended to Cabinet:

- a. That the Schools Loan Collection is closed.
- b. That consultation with the public and interested organisations on art works that are currently identified for sale takes place, so that all views can be taken into account prior to their final disposal.
- c. Subsequent to the consideration of views expressed through the consultation process with the Executive Member for Education, Libraries and Localism, that the Director of Resources be provided with the authority to dispose of 500 medium value works from the Schools Loan Collection that have little or no relevance to Hertfordshire. It is proposed that these works should be sold to achieve best value for the council.
- d. The Director of Resources be provided with the authority to dispose of 46 high value, nationally significant works from the Schools Loan Collection that have little or no significance to Hertfordshire, after full consideration of the views expressed through the consultation process with the Executive Member for Education, Libraries and Localism. It is proposed that these works should be sold to achieve best value for the council.
- e. To offer 700 low value works from the Schools Loan Collection to local interest groups and the general public in Hertfordshire.
- f. To develop options for the conservation and potential relocation of four sculptures within Hertfordshire, which are insured for a total of £21.85 million. These sculptures have particular conservation and security requirements and will need some significant investment.
- g. To offer 53 lower value works, that have a distinct connection to local towns/villages, to relevant Hertfordshire museums and galleries, by sale or gifting.

- h. To use a proportion of the income from the sale of works to invest in the remaining collection, in particular the conservation and potential move of the sculptures.

It was noted that C K Hogg, S K Jarvis and M A Watkin voted against the recommendation and J Billing abstained.

**10. OTHER URGENT PART I BUSINESS**

- 10.1 There was no other urgent Part I Business.

**KATHRYN PETTITT  
CHIEF LEGAL OFFICER**

**CHAIRMAN** \_\_\_\_\_

**CHAIRMAN'S  
INITIALS**

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**HERTFORDSHIRE COUNTY COUNCIL**

**EDUCATION, LIBRARIES AND LOCALISM CABINET PANEL  
THURSDAY, 14 DECEMBER 2017 AT 10:00AM**

**TO RECEIVE A PETITION FOR COUNCIL ACTION TO RECONSIDER THE  
DECISION TO BUILD A NEW HARPENDEN SCHOOL ON THE SITE EAST OF  
COMMON LANE**

*Report of the Director of Children's Services*

Report Author: Pauline Davis - Head of School Planning  
Tel: 01992 555865

Executive Member: Terry Douris, Executive Member for Education, Libraries &  
Localism Cabinet Panel

Local Members: David Williams (Harpenden North East), Teresa Heritage  
(Hapenden South West), Annie Brewster (Harpenden Rural),  
Richard Thake (Knebworth and Codicote), Terry Douris  
(Bridgewater), David Barnard (Hitchin Rural), Richard H Smith  
(Welwyn)

**1. Purpose of report**

- 1.1 To inform the Education, Libraries and Localism Cabinet Panel of a Petition organised by Mr John Hansen. The petition requests Council to reconsider the decision to build a new Harpenden School on the Site East of Common Lane.

**2. Procedure**

- 2.1 The Council's Petitions Scheme provides that:

*"officers will prepare a Report for members setting out the background and other relevant information of which they are aware relating to the subject matter of the petition but will not give a recommendation as to how the Petition should be dealt with"*

- 2.2 The Petitions Scheme further states:

*"Following consideration of a Petition for Debate... the Panel can make a recommendation as follows:*

- *refer the matter to Cabinet*
- *make a recommendation to officers as to how to respond to the petition*

- *request officers undertake further work and either liaise with the Local Member and relevant Executive Member before responding to the petition or bring the matter back to Panel*
- *Acknowledge the petition but recommend that no further action is taken.”*

### **3. The Issues raised in the petition**

- 3.1 An e-petition was raised via Hertfordshire.gov website and attracted 279 signatures. It reads...

*“Reconsider the decision to build a new Harpenden School on the Site East of Common Lane.*

*We the undersigned, as residents of the Harpenden School Planning Area, petition Hertfordshire County Council (HCC), in conjunction with Education Funding Agency (EFA), to rerun the site evaluation and selection process, including scoring that led to the Site East of Common Lane (Site F) being chosen as a potential new school site, before any further work is carried out on the Harpenden School project due to significant changes in the factors considered in the previous exercise.*

*In the original scoring used to justify site selection no account was taken of the following (in no particular order):*

*1) Site F's owners ambitions to develop part of the site for housing, and the consequent effects on school building;*

*2) The ambition of South Beds to develop housing on the Harpenden Northern border.*

*3) The rising levels of traffic caused by housing development on the Lower Luton Rd and North Harpenden and the continuing expansion of Luton Airport.*

*4) Two separate Archaeological investigations by the University of Bristol on only one corner of the site using Magnetometry and Ground Penetrating Radar have revealed a significant variety of constructions on the site which merit a thorough investigation of the entire site,*

*5) The original decision (as stated in minutes of HCC Cabinet meeting 23 September 2013) was based on a permanent increase in demand of 5 Forms of Entry over current school place provision, while the latest HCC forecasts, produced just 3 years later, show a fall to a demand for 0 Forms of Entry by the end of the forecast period, i.e. no shortfall. We believe this evidence that was not available at the time the search and evaluation processes were undertaken and has a material bearing on the nature and location of an appropriate site for needs of the area.*

*As this evidence was not available at the time the search and evaluation processes were undertaken and has a material bearing on the nature and potential location of an appropriate site for the needs of the area.*

*Any one of the above is enough to mean the circumstances for releasing this site from green belt cannot be justified.”*

#### **4. Background**

- 4.1 The County Council has a responsibility to secure sufficient school places. The County Council assessed the demand for secondary school places in the area which covers Harpenden town and a number of villages (the Harpenden Education Planning Area). It concluded that there was an identified need for additional secondary school places to serve the area.
- 4.2 In September 2016, the Department for Education (DfE) announced capital funding for a new secondary school in Harpenden. The Education and Skills Funding Agency (ESFA), acting on behalf of the DfE, has appointed a contractor, Kier, to construct the new secondary school. The development of the school is being led by the ESFA.

#### **5. Current Position**

- 5.1 An application for planning permission (“the application”) for a new school in Harpenden has been made to the County Council jointly by ESFA and the County Council. The planning application is subject to the normal statutory consultation period and members of the public have the opportunity to comment on the proposals.
- 5.2 It is noted that the ESFA, its contractor and agents have undertaken a number of technical assessments which form part of the application.
- 5.3 A refresh of a comparative site assessment was undertaken. A comparative site assessment considers the environmental and Green Belt effects, as well as planning policy compliance of potential school sites. A deliverability analysis was also undertaken.
- 5.4 The petition refers to the ambition of ‘South Beds [sic] to develop housing on the Harpenden Northern border’. It is noted that the Central Bedfordshire Local Plan Draft Plan July 2017 does not include development north of Harpenden.
- 5.5 A transport assessment and a public transport strategy have been prepared by consultants appointed by Kier and the ESFA and submitted with the application. This work considers the ability of the highway network around the site to accommodate additional traffic movements.
- 5.6 The application is also supported by detailed heritage assets (archaeological) impact and mitigation assessments.

- 5.7 The need for a new school will be considered as part of the planning process. An 'Educational Need' statement was submitted with the application.

## **6. Summary and Next Steps**

- 6.1 The process for the provision of the new school is underway with the development of the school being led by ESFA.
- 6.2 An application for planning permission has been made to the County Council. This is a separate process from that leading to the Cabinet decision in September 2013 and will be subject to the normal statutory consultation, which includes the public.
- 6.3 The Development Control Committee will take a decision whether or not to grant planning permission.
- 6.4 Officers do not believe that, given the current position with the project, including the pending consideration of the application, it is necessary or appropriate for the matter to be re-considered by the Cabinet.

## **7. Financial Implications**

- 7.1 There are no financial implications in relation to this report.

## **8. Equalities Impact Assessment (EqIA)**

- 8.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 8.2 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 8.3 The Equality Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.

- 8.4 No EqlA was undertaken for this report because the report does not impact on equalities or affect any of the protected characteristics which would require an EqlA to be completed.

*Background Papers*

[Link](#) to planning application on the County Council's website

<https://cloud1.atriumsoft.com/HCCePlanningOPS/loadFullDetails.do?apId=26370>

**HERTFORDSHIRE COUNTY COUNCIL****EDUCATION, LIBRARIES AND LOCALISM CABINET PANEL  
THURSDAY, 14 DECEMBER 2017 AT 10:00AM****TO RECEIVE A PETITION FOR COUNCIL ACTION TO ADDRESS SOLUTIONS  
TO PRIMARY PROVISION IN CENTRAL ST ALBANS**

Report Author: Dan Hardy - Senior Planning Officer (West)  
Tel: 01992 588923  
Vicki Roberts – Planning Officer (West)  
Tel: 01992 555890

Executive Member: Terry Douris, Executive Member for Education, Libraries &  
Localism Cabinet Panel

Local Members: Chris White - St Albans Central, Anthony Rowlands - St  
Albans East, Sandy Walkington - St Albans South

**1. Purpose of report**

- 1.1 To inform the Education, Libraries and Localism Cabinet Panel of a Petition organised by the Permanent Expansion for Reception Places in St Albans Campaign Group. The petition requests Council action solutions for primary school provision in central St Albans.

**2. Procedure**

- 2.1 The Council's Petitions Scheme provides that:

*“officers will prepare a Report for members setting out the background and other relevant information of which they are aware relating to the subject matter of the petition but will not give a recommendation as to how the Petition should be dealt with”*

- 2.2 The Petitions Scheme further states:

*“Following consideration of a Petition for Debate... the Panel can make a recommendation as follows:*

- *refer the matter to Cabinet*
- *make a recommendation to officers as to how to respond to the petition*
- *request officers undertake further work and either liaise with the Local Member and relevant Executive Member before responding to the petition or bring the matter back to Panel*
- *Acknowledge the petition but recommend that no further action is taken.”*

### **3. The Issues raised in the petition**

3.1 An e-petition was raised via Hertfordshire.gov website and attracted 295 signatures. It reads .....

*“Urgent solutions required for primary school provision in St Albans.*

*We petition Hertfordshire County Council to address the inadequate provision of primary school places in the central area of St Albans (St Peter’s Ward and the station area) by expanding a local existing school and/or building a new school.*

*In the interim, to provide immediate relief by providing a bulge class to a city centre school.*

*School allocation data for September 2017 showed that 70 children in Central St Albans did not get one of their four ranked choices and have instead been offered a school that is miles from their home.*

*In addition, some parents felt the need to include a school far from their home in their choices in order to safeguard ‘choosing’ good schools. This has skewed the Council’s data, as it implies that parents have been given one of their preferred schools. The reality is that these parents would have preferred a local school and felt forced to choose larger schools a distance away to safeguard the quality of the schools that they chose.*

*Particularly, there is a ‘black hole’ around the station where children had no hope of getting into their nearest school, St Peter’s.*

*Under-provision in the central area is currently:*

- *Pulling communities apart by sending a large number of children outside their local area for schooling*
- *Making St Albans a less attractive location for families to raise children*
- *Adding to the already congested rush hour traffic with associated environmental effects*
- *Making living in prime commuter territory untenable for those with young families*
- *Limiting the career and work options for parents forced into travelling greater distances at the start and end of the day*

*This inadequate provision is exacerbated by the continuing building development in the area. For example, 80 dwellings on London Road (Gabriel Square) are being marketed to those with families. However, there is already insufficient provision for local primary schooling and without doubt these families will be in the same position in 2018/19*

*In the short term, we propose an additional bulge class in central St Albans for September 2017 to fulfil the specific demand for schools in this area. We understand that schools close to the City centre have this capacity.*

*In the long term our proposals are:*

*1. Permanent expansion of an existing local school to accommodate the children (both now and in the future) who are currently not served by any school.*

*2. Building a new school to support the growing local community.*

*We urge the council to re-evaluate the allocation of extra places for the long-term benefit of all central and all St Albans residents.*

#### **4. Background**

4.1 The issue of primary school places is taken very seriously and the County Council is committed to ensuring that it meets rising demand. In response to 10,000 more children under the age of four in Hertfordshire today than a decade ago, it has already spent more than £200m providing additional places across the county.

4.2 In St Albans, at the primary phase, an additional nine forms of entry (FE) (equivalent to 270 extra permanent reception places each year) have been created since 2008 ensuring there are sufficient places for every child who needs one. This has included a new 2FE primary school (Alban City), providing additional capacity for the city centre, and a 2FE primary phase at Samuel Ryder Academy, both opening in 2012.

4.3 It is recognised that there is a concentration of demand in and around the city centre. However, identified expansion capacity is extremely limited, with town planning and/or highways issues making permanent expansion undeliverable on many sites. Additional permanent places have therefore, of necessity, been provided in the wider area. Expansions including those at Garden Fields, Bernard's Heath and Prae Wood schools have all provided additional high-quality places for St Albans families.

4.4 In 2016 St Albans City and District Council (SADC) submitted a draft Strategic Local Plan (SLP) to the Department for Communities and Local Government (DCLG) that proposed over 9,000 dwellings across its plan period to 2031, of which over 5,000 were expected to be in St Albans. The plan recognised the need for additional primary school capacity in St Albans, to be delivered in the form of new primary schools. As part of the SADC local plan process, the county council commissioned external consultants to provide detailed technical information to SADC to help it identify and allocate suitable schools sites, particularly to serve the city centre, to help ensure that every child can be offered a local place.

4.5 However, SADC is currently reviewing its Local Plan as the DCLG concluded that it had not met its duty to co-operate. This may delay the allocation of new primary school sites. In addition, consultation on a new methodology for assessing housing needs has been published by central government. This means that there continues to be uncertainty over both

how much housing will be delivered and its distribution across the district, albeit the direction of travel indicates that the new plan is likely to result in higher housing numbers.

## 5 Primary Allocations 2017/18

- 5.1 The number of applications received for children living in St Albans for 2017 fell compared to 2016, with over 1FE fewer children seeking reception places compared to last year.
- 5.2 On allocation day 2017, every St Albans applicant was offered a reception place at a school within the city. There were also surplus places across the area, meaning vacancies in some schools.
- 5.3 In St Albans as with much of the county, there is a difference between what happens at allocation day and the final outcome of the process. There is always movement after allocation day as the County Council reallocates school places through the continuing interest process. This leads to improved outcomes and more applicants securing places at preferred schools. Following the first continuing interest run the number of non-ranked allocations dropped significantly and the number of surplus places across the city rose to 40. In August this had increased further to 47 vacancies and with the exception of one, all non-ranked allocated pupils were placed in schools under the statutory walking distance. The impact of excessive surplus spaces and the potential to undermine school effectiveness and standards had also to be considered. As such, no additional places have been made available for September 2017.
- 5.4 As at 24 November there were 51 reception vacancies in St Albans, including: Garden Fields, Margaret Wix, St John Fisher, Samuel Ryder and Killigrew.

## 6 Meeting Future Demand

- 6.1 The latest reception place forecast indicates that in the short term there are sufficient places across St Albans City. The table below shows the latest Summer 2017/18 forecast for the area.

### Summer 2017/18 Interim Forecast

ST ALBANS CITY INC. ST MICHAELS		Actuals			Forecast		
School	School admissions 2017	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Number of reception places available	1,177	1,129	1,160	1,177	1,177	1,177	1,177
Demand				1,138	1,089	1,104	1,130
Surplus/Shortage				39	88	73	47
% Surplus/Shortage				3.3%	7.5%	6.2%	4.0%
No of FE				1.3	2.9	2.4	1.6

- 6.2 The forecast indicates that there should be surplus places across the period, with lower levels of demand forecast in 2018/19 and 2019/20. It is recognised, however, that there continue to be areas that have a high

concentration of demand within the city centre, particularly in light of housing development in the city centre and around London Road.

- 6.3 While in the shorter term there are sufficient places available across the city as a whole, longer term Office for National Statistics (ONS) projections suggest primary pupil numbers will continue to rise.
- 6.4 Creating permanent school places to meet rising pupil numbers is not always straight forward and the county council must work within the constraints that already exist in relation to many school sites. As part of the county council's annual primary expansion programme and ongoing representations to districts on local plan infrastructure needs, feasibility work is continually refreshed to assess potential options to permanently expand schools. Detailed feasibility work is being carried out on the capacity of St Peter's Primary School to expand permanently and the county council is working with the school to determine whether an expansion scheme could be designed which is both acceptable to the school and to the planning authority, given the various and significant site constraints.
- 6.5 A proposal for the County Council to part fund the permanent expansion of St Michael's C of E Primary School's by 0.3FE, an additional 8 reception places per year, from September 2018 was agreed by Cabinet in September 2017.
- 6.6 In the longer term, given the limitations on existing school sites and the anticipated level of new housing, further growth in pupil numbers in St Albans is likely to need to be supported through the provision of new primary schools.
- 6.7 Therefore, the County Council will continue to work with SADC and make formal representations asking for appropriate provision to be made within its Local Plan to support growing pupil numbers and new housing development in the City. This includes identifying new primary school sites, especially in areas where there is little or no potential to expand existing schools such as in and around the city centre.

## **7 Summary and Next Steps**

- 7.1 In conclusion, the issues raised in this petition are recognised and understood. Officers will continue to update the Central St Albans Facebook Parent Action Group, having previously met with key group members to better understand their concerns, discuss their suggestions and answer questions on what action the county council can take to secure city centre education provision in St Albans.
- 7.2 This includes monitoring pupil numbers in and around the City, refreshing feasibility work on the expansion potential of schools, particularly those in and around the city centre. Specifically, the County Council will continue to explore whether a deliverable permanent expansion scheme at St Peter's

Primary School can be designed which is both acceptable to the school and planning authority.

- 7.3 The County Council will also continue to work with SADC and make representations regarding the revised Local Plan to ensure that new education provision can be brought forward to meet the growth in pupil numbers arising from development proposed.

## **8. Financial Implications**

- 8.1 There are no financial implications in relation to this report.

## **9. Equalities Impact Assessment (EqIA)**

- 9.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 9.2 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 9.3 The Equality Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.
- 9.4 No EqIA was undertaken for this report because the report does not impact on equalities or affect any of the protected characteristics which would require an EqIA to be completed.

### Background Papers

*None*

**HERTFORDSHIRE COUNTY COUNCIL****EDUCATION, LIBRARIES & LOCALISM CABINET PANEL  
THURSDAY, 14 DECEMBER 2017 AT 10:00AM****SCHOOL TO SERVE HIGH LEIGH HOUSING DEVELOPMENT AND  
POTENTIAL RELOCATION OF WESTFIELD COMMUNITY PRIMARY  
SCHOOL, HODDES DON***Joint Report of the Director of Children's Services and the Director of  
Resources*

**Authors:** Brenda Dennett, School Planning Officer  
(Tel: 01992 555813)  
Peter Oddy, Senior Estates Officer  
(Tel: 01992 555221)

**Executive Members:** Terry Douris, Education, Libraries & Localism  
David Williams, Resources Property & the Economy

**Local Members:** Paul Mason - Hoddesdon South, Tim Hutchings -  
Hoddesdon North

**1. Purpose of report**

- 1.1 To provide Panel with an update on the viability of pursuing an option to deliver a 2 form entry (f.e.) primary school at High Leigh, Hoddesdon rather than a new 1f.e. school necessary to meet demand from the High Leigh housing development. Provision of a 2f.e. school building would facilitate the potential relocation of the nearby 1f.e. Westfield Community Primary School, rather than having two 1.f.e. schools within 0.5 mile proximity.
- 1.2 To seek Panel's recommendation to Cabinet on the next steps necessary to make the option viable and to proceed with a statutory consultation on the proposed relocation and enlargement of Westfield Community Primary School.

**2. Summary**

- 2.1 This report provides Panel with an update following Cabinet's approval, on 11 July 2016, to serve Notice to take up the option to acquire additional land in order to explore the viability of delivering the County Council's preference of schools of at least 2 forms of entry.
- 2.2 A confidential, financial options appraisal assessing the delivery of either a new 1 or 2 f.e. primary school is set out in Part II of this report.

- 2.3 If it is accepted that delivery of a 2 f.e. school remains the preferred option, the following will be necessary in order to meet all the requirements set out in the High Leigh s106 agreement:
- i) the acquisition of additional land at High Leigh, Hoddesdon
  - ii) application of indexed s106 funds as detailed in the formal s106 agreement relating to the High Leigh housing development
  - iii) use of County Council funding equivalent to the value of the eventual disposal receipt to part-fund the acquisition of additional land at High Leigh
  - iv) use of schools Repairs and Maintenance budget and Basic Need funding to bridge the funding gap
  - v) obtain planning permission for housing on the Westfield School site
  - vi) obtain planning permission for the proposed new school
  - vii) development and occupation of the new school site, and
  - viii) vacation and disposal of the Westfield School site.
- 2.4 The relocation of Westfield Community Primary School to a new school building located within the High Leigh development and its enlargement from 1 to 2f.e. would also be subject to the outcome of public consultation and subsequent Statutory Notice with regard to the enlargement of the school.

### **3. Recommendation**

3.1 Panel recommends to Cabinet that it:

- a) Agrees the proposal to pursue the option to deliver a 2 f.e. school to meet demand from the High Leigh housing development, Hoddesdon through the relocation and enlargement of Westfield Community Primary School, subject to the outcome of a statutory consultation.
- b) Gives approval, with final terms to be agreed by the Director of Resources in consultation with the Leader of the Council (as responsible for the Resources, Property and the Economy portfolio) and the Executive Member for Education, Libraries and Localism, for:
  - the acquisition of additional land at High Leigh, Hoddesdon
  - the application of indexed s106 funds as detailed in the formal s106 agreement relating to the High Leigh housing development, Hoddesdon
  - use of County Council funding equivalent to the value of the eventual disposal receipt to part-fund the acquisition of additional land at High Leigh, Hoddesdon and additional building costs
  - use of schools Repairs and Maintenance budget and Basic Need funding to bridge the funding gap

- submission of a planning application for housing on the Westfield School site and completion of any planning agreement
  - submission of a planning application for the proposed new school
  - procurement of the new school premises, and
  - subsequent disposal of the Westfield School site.
- c) agrees that the Director of Children’s Services is authorised to proceed with a statutory consultation, commencing in January 2018, on the proposed enlargement of Westfield Community Primary School and non-statutory consultation on its relocation to High Leigh, Hoddesdon (in line with the developer’s programme, when available, and related s106 agreement stages).
- d) Receives an update on the financial viability of the proposal when it receives the outcome of the public consultation on the relocation and expansion of the school in April 2018.

#### **4. Background**

- 4.1 Planning permission for up to 523 dwellings at High Leigh, Hoddesdon was granted on 02 April 2015. A s106 agreement was also completed on 02 April 2015.
- 4.2 Pupil yield from the development is anticipated to be approximately 1f.e. The s106 agreement provides for the transfer of a 1f.e. school site to the County Council and the funding to build the school at that size.
- 4.3 The County Council has a preference for schools of at least 2 f.e. because it considers that they are financially and educationally more viable in the longer term. Larger schools can also offer a broad curriculum and enhanced opportunities for staff development. A 2f.e. school would also manage fluctuations in pupil numbers more easily than a smaller school.
- 4.4 As the proposed development lies less than half a mile from the existing 1f.e. Westfield Community Primary School, an option for the County Council to acquire additional land sufficient to accommodate a 2f.e. school (in order to facilitate the relocation of Westfield) was secured within the s106 agreement. A plan showing the High Leigh development site, the location of 1f.e. site and the additional land within that area, and the location of Westfield School is attached to this report as Appendix A.
- 4.5 The enlargement and relocation of Westfield Community Primary School would satisfy the Council’s preference for 2 f.e. primary schools, and avoid provision of two smaller primary schools within close proximity (within 0.5 miles). Relocation of the school from an older school building to modern, energy efficient accommodation would also have a positive impact on the school’s running costs and the

County Council's ongoing repairs and maintenance responsibilities. The Governing Body of Westfield Primary is supportive of the proposal to relocate as a 2 f.e. school.

- 4.6 At its meeting on 11 July 2016, the County Council's Cabinet agreed to serve Notice to take up the option to acquire the additional land. Funds provided for in the s106 agreement then allowed for feasibility work to be undertaken to establish the viability of delivering a 2 f.e. school. See:

<https://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/346/Committee/8/Default.aspx>

- 4.7 Feasibility work completed to date has provided indicative costs to deliver the 2f.e. option. A full financial appraisal is set out in Part II of this report. It indicates that, at this point in time, the cost to acquire the additional land and build a 2f.e. school exceeds the potential resources available (through the High Leigh s106 agreement and proceeds from the disposal of the Westfield School site); assuming that all approvals are obtained and estimated costs remain the same. However, that cost could be considered worthwhile, in order to achieve the optimal solution. Work continues to establish further the financial viability of the proposal.
- 4.8 The Broxbourne Borough Local Plan identifies the Westfield School site as a potential housing site in its Strategic Housing Land Availability Assessment and early pre-application town planning discussions have been positive. The value of the land assumed is an estimate of its value for redevelopment for housing purposes and the outcome will depend on the quality of the planning permission available and the market conditions prevalent at the time of disposal. Obtaining planning permission for housing would formally establish the alternative use authorisation and, subject to the relocation being completed, allow the potential development value to be released. There would be cash flow implications for this proposal and these are provided in the part II report.
- 4.9 Should the 2f.e. option be considered to be the preferred solution, the current funding gap could be met with contributions from the Schools' Repairs and Maintenance budget (to reflect the estimated ongoing capital commitment should Westfield School not be relocated) and Basic Need grant.
- 4.10 The enlargement of Westfield Community Primary School from 1 to 2f.e. would be subject to the outcome of public consultation and subsequent Statutory Notice. The public consultation would also seek views on the necessary relocation of the school to the new school building located within the High Leigh development.

- 4.11 Should the County Council decide to reject the 2f.e. option, the s106 agreement allows for Notice to be served to opt out of acquiring the additional land and reversion to a 1f.e. school site transfer. This Notice must be served prior to transfer of the land, or within 3 months of receipt of notification of the occupation of the 85<sup>th</sup> dwelling, whichever is the latter. Based on recent experience elsewhere in the County, this milestone could be reached rapidly after commencement of development (date not yet confirmed).
- 4.12 Prior to the land transfer trigger, the County Council must have:
- made a final decision whether or not the 2f.e. option is viable (securing planning permission for housing on the Westfield site would give greater confidence)
  - completed full statutory consultation, allowing sufficient time to design and gain planning permission for a 1f.e. school if the 2f.e. option is rejected
  - secured planning permission for the school it plans to build.
- 4.13 The earliest anticipated timing for completion of the new school is September 2020, based on current information regarding the Developer Programme. Although this is some time off, a decision is required now in order to be certain of meeting related timescales outlined above.
- 4.14 The timetable of future action in relation to proposals on which the County Council is consulting would be:

Public consultation	10 Jan to 27 Feb 2018
Panel (to receive the outcome of the consultation)	17 April 2018
Cabinet (to approve the publication of statutory notices and capital projects and to provide updated costs)	23 April 2018
Statutory Notice period	3 to 30 May 2018
Cabinet (for final approval if objections received)	9 July 2018
Implementation	September 2020 (Indicative only)

## 5 Town Planning Implications

- 5.1 The prospects for the grant of planning permission for a well-designed scheme either a 1f.e. or a 2f.e. new school within the High Leigh development area are good.
- 5.2 Should planning permission be granted for the new school, at 2f.e. capacity, it is reasonable to assume that the Local Planning Authority

would be willing to grant planning permission for housing redevelopment of the Westfield School site on the following basis:

a) there is a pre-commencement condition that precludes implementation of the planning permission unless and until Westfield Community Primary School has relocated to new premises on implementation and completion of the new site development;

b) a s106 Planning Agreement has been concluded that provides for:

(i) all of the receipts from the sale for the existing school site to be invested in the new school premises (or in other education provision within the Borough);

(ii) all of the usual planning obligations appropriate to housing development sites – mainly affordable housing on site and money contributions to social infrastructure e.g. highways, education, health, open space & recreation, etc.; and

(iii) ensuring the requirements of Sport England are met in respect of replacement school playing fields.

## **6. Financial Implications**

### Capital Funding

- 6.1 A financial options analysis has been undertaken assessing the delivery either a 1f.e. or a 2f.e. school.
- 6.2 Based on current information, the High Leigh s106 contributions (index linked) would be insufficient to provide a new 1f.e. school. Currently that funding gap would need to be funded by Basic Need grant.
- 6.3 Provision of a 2 f.e. school is educationally preferable to the provision of two smaller schools. This option would require reinvestment of the capital receipt from the disposal of the Westfield school site to part-fund the acquisition of the additional land. Having taken this into account, the costs to acquire the additional land and build a 2f.e. school would exceed the potential resources available by a greater margin than the delivery of a 1 f.e. school (assuming that all approvals are obtained and estimated costs remain the same). That gap could be met through use of Schools' Repairs and Maintenance funding and Basic Need grant.
- 6.4 This report should be read in conjunction with the accompanying Part II report which sets out the detailed financial options analysis.

## **7. Statutory Powers**

- 7.1 Acquisition of the additional land would proceed under the provisions of s120 of the Local Government Act 1972.
- 7.2 Disposal of the existing site of Westfield School would be undertaken under the provisions of s123 of the Local Government Act 1972.
- 7.3 Following receipt of consents under the provisions of:
- a) The School Playing Fields General Disposal and Change of Use Consent (No 4) 2012, by use of the closed school site and replacement playing fields consents, once the new playing fields are available for use by the School and subject to no other school in the relevant area (1 mile radius) having a deficiency of playing fields at that time; and
  - b) The Academies General Disposal and Appropriation Consent (No 2) 2012, subject to the Secretary of State having no need for the site.
- 7.3.1 These consents would be sought once planning permissions have been granted for the new school and re-development of the existing school site. Should the application process show that the terms of the General Consent for Disposal and Change of Use are not met in detail, a specific Ministerial consent under the protection of school playing fields legislation would be sought.

## **8. Equalities**

- 8.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the Equality implications of the decision that they are making.
- 8.2 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 8.3 The Equality Act 2010 requires the County Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.

- 8.4 An Equalities Impact Assessment has been carried out on this proposal and will be updated where necessary. It will be made available in the Members' Lounge prior to, and at the Panel and Cabinet meetings (as Appendix B to this report) in order that Members are fully aware of any equality issues arising from the proposal. The EqlA will be reviewed and updated as part of any future public consultation. Consideration has been given to the likely impact of the proposal, and current assessments conclude that it is not anticipated that people with protected characteristics will be affected disproportionately.
- 8.5 The Local Authority is bound by the Admissions Code and Regulations and this does not allow for any discrimination in this respect.
- 8.6 The relocation and expansion of the school will enable additional school places to be made available in new facilities at a more sustainably sized school. It would be well located to meet demand from the new development and to continue to serve the existing community.
- 8.7 The relocation and expansion of the school provides for enhanced education opportunities and an enriched curriculum offer which has a positive impact on the whole school community.
- 8.8 The school relocation and expansion provides positive impacts, offering the opportunity for improved facilities for disabled access in the new building.

*Background papers*

*Appendix A – Site Plan*

*Appendix B - Equalities Impact Assessment*

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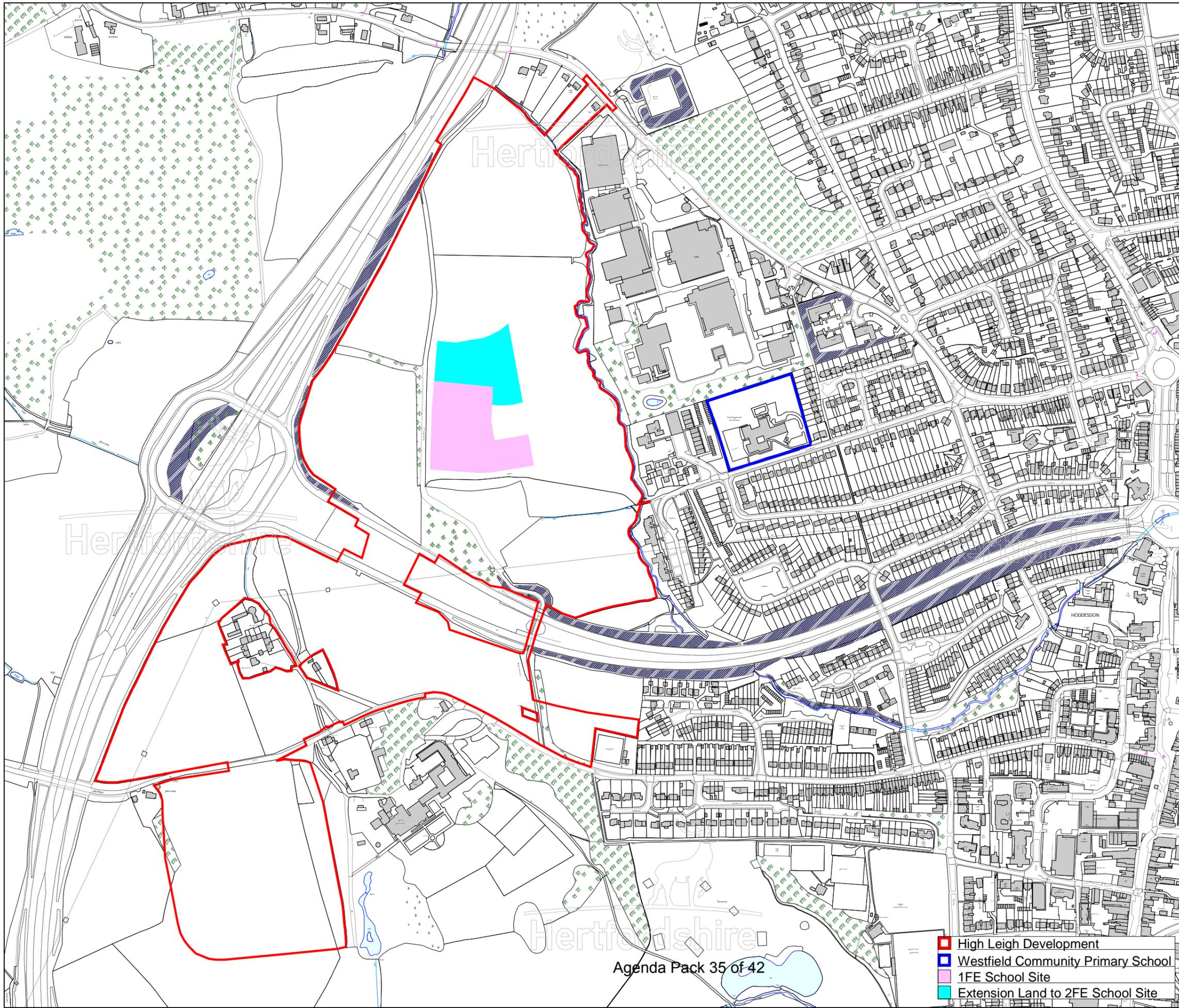


PROJECT  
High Leigh/Westfield School  
Hoddesdon

DRAWING TITLE  
Location Plan

DRAWN	Jo-Ann Burke
CHECKED	
DATE	09/11/2017
SCALE	1:5000@A3
PLAN NO.	EM 14877
REVISION	

OS GRID:TL3609SE 09/11/2017



- High Leigh Development
- Westfield Community Primary School
- 1FE School Site
- Extension Land to 2FE School Site

## Equality Impact Assessment (EqIA)

### STEP 1: Responsibility and involvement

<b>Title of proposal/ project/strategy/ procurement/policy</b>	Education strategy for the delivery of additional primary school places to serve the new community arising from the new development of up to 523 homes at High Leigh, Hoddesdon and the relocation and enlargement of Westfield Community Primary School.		
<b>Head of Service or Business Manager</b>	Pauline Davis		
<b>Names of those involved in completing the EqIA:</b>	Tom Stacey	<b>Lead officer contact details:</b>	Brenda Dennett
<b>Date completed:</b>	18/10/2017	<b>Review date:</b>	December 2017

### STEP 2: Objectives of proposal and scope of assessment – what do you want to achieve?

<b>Proposal objectives:</b> –what you want to achieve –intended outcomes –purpose and need	<p>The County Council has a legal duty to ensure sufficient school places to meet the needs of existing and new communities.</p> <p>The new housing development proposes the delivery of an additional 1f.e. (30 places) for primary school aged children to meet anticipated demand from any new community moving into the new housing development at High Leigh Hoddesdon. The additional places will be available on a school site to be located within the housing development.</p> <p>As part of the development there is an option to acquire additional land to provide a 2f.e. school instead of a 1f.e. school. This option would include the relocation of the existing nearby 1f.e. Westfield Community Primary School. This option is considered to offer a more sustainable pattern of provision, and would provide the school with brand new accessible accommodation that would have the benefit of lower maintenance and running costs than that of an equivalent older building.</p>
<b>Stakeholders:</b> Who will be affected: the public, partners, staff, service users, local Member etc.	<p>Schools in the education planning area HCC Planning colleagues Local Members and political representative Local community Borough of Broxbourne Residents in the local and surrounding areas Department for Education High Leigh Developer (s) MPs, County Councillors, District Councillors, Parish and Town Councils and Local Authority Chief Executives; Trade Union representatives;</p>

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	<p>Church Diocese representatives;          NHS representatives;          Parent Governor representatives on the Overview and Scrutiny Committee at Hertfordshire County Council;          Further Education establishments, pre-schools, playgroups, Children’s Centres, toddler groups and day nurseries;          Libraries and Citizen’s Advice Bureaux;          Senior officers in Hertfordshire County Council’s Children’s Services department and Property teams.</p>
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### STEP 3: Available data and monitoring information

<p><b>Relevant equality information</b>          For example: Community profiles / service user demographics, data and monitoring information (local and national), similar or previous EqIAs, complaints, audits or inspections, local knowledge and consultations.</p>	<p><b>What the data tells us about equalities</b></p> <p>The strategy seeks to provide additional primary school places to meet the anticipated need from the new community arising from High Leigh and provide more sustainable provision than having two 1f.e schools in such close proximity (less than 0.5 mile). The school will offer local places for local children. The additional places will be available on a school site to be located within the new housing development and a new pedestrian/cycle route from the current school site to the new location will be provided by the Developer as part of the Development scheme approved by the Borough of Broxbourne.</p> <p>As the housing development is not yet built, the new community does not currently exist so the data from the existing Westfield School has been used to provide a guide to the possible composition of the ultimate population of the enlarged school.</p>		
<p>January 2017 school census data on gender split, English as an additional language (EAL), ethnicity, free school meal (FSM) eligibility, number of children with SEN statements, SEN Provision or who have Education &amp; Health Care Plans.</p>	<p><b>January 2017 school census data</b></p>	<p>Westfield</p>	<p>Primary Countywide</p>
	<p>Students (Years R to 6)</p>	<p>197</p>	<p>N/A</p>
	<p>% Minority Ethnic Students (not White British and excluding Refused and Not Obtained)</p>	<p>22.86%</p>	<p>30.47%</p>
	<p>% EAL (English as an alternative Language) (First language Not English or believed not to be English)</p>	<p>13.20%</p>	<p>16.70%</p>
	<p>% with Statement (or EHCP (S or E))</p>	<p>1.02%</p>	<p>1.86%</p>
	<p>% SEN Provision (K)</p>	<p>6.6%</p>	<p>11.86%</p>
	<p>% FSM (Free School Meals) (at date of Census)</p>	<p>14.72%</p>	<p>8.72%</p>
	<p>% of Male Students</p>	<p>49.24%</p>	<p>51.20%</p>
	<p>% of Female Students</p>	<p>50.76%</p>	<p>48.80%</p>

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	<p>The percentage of Minority Ethnic Students, EAL students and those with a Statement (or EHCP) and students with SEN Provision are all lower than the County Average. The percentage of students who are eligible for Free School Meals is higher than the County Average.</p>
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### STEP 4: Impact Assessment – Service Users, communities and partners (where relevant)

Guidance on groups of service users to consider within each protected group can be found [here](#)

Protected characteristic	Potential for differential impact (positive or negative)	What reasonable mitigations can you propose?
<b>Age</b>	<p>This proposal offers additional primary places at an existing, good school in a new building in the heart of a new community.</p> <p>The school will be expected to phase the provision of additional places with the aim to provide sufficient capacity without destabilising neighbouring schools. It is not anticipated that the proposals will affect people disproportionately because of their age.</p>	<p>Pupil numbers and age ranges will be kept under close scrutiny to inform whether or not the number of places available reflects the need.</p> <p>The position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.</p>
<b>Disability Including Learning Disability</b>	<p>School planning officers are liaising with the Headteacher to ensure that any issues identified for pupils relocating to the new school can be addressed. It is not anticipated at this stage that the proposals will affect people disproportionately because of the issues of disability.</p> <p>The new school building will be designed to ensure</p>	<p>The school will be fully inclusive. It will meet the needs of children in the local area, including those with Special Educational Need (SEN) and/or disability.</p> <p>Should the Proposal proceed and issues arise that require specific professional advice this will be sought.</p> <p>Any issues identified or known, as well as the duties found within Part 6, Section 149 and Schedules 10 and 13 of the Equality Act 2010</p>

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Protected characteristic	Potential for differential impact (positive or negative)	What reasonable mitigations can you propose?
	accessibility by all.	<p>concerning disability will be factored into the individual scheme designs. Any building scheme will also meet the requirements to avoid Disability Discrimination under Section 15 of the Equality Act 2010.</p> <p>The position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.</p>
<b>Race</b>	It is not anticipated at this stage that the proposals will affect people disproportionately because of the issues of race.	<p>The school will be required to accept all children regardless of race or ethnicity.</p> <p>No mitigation is currently required but the position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.</p>
<b>Gender reassignment</b>	It is not currently anticipated that the proposals will affect people with this characteristic disproportionately.	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.
<b>Pregnancy and maternity</b>	It is not currently anticipated that the proposals will affect people with this characteristic disproportionately.	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.
<b>Religion or belief</b>	It is not anticipated that the proposals will affect people disproportionately because of their religion or belief.	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended

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Protected characteristic	Potential for differential impact (positive or negative)	What reasonable mitigations can you propose?
		accordingly.
<b>Sex</b>	It is not anticipated that the proposals will affect people disproportionately because of issues around sex.	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.
<b>Sexual orientation</b>	It is not anticipated that the proposals will affect people disproportionately because of issues around sexual orientation.	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.
<b>Marriage &amp; civil partnership</b>	It is not anticipated that the proposals will affect people disproportionately because of issues around marriage and civil partnership.	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.
<b>Carers (by association with any of the above)</b>	It is not anticipated that the proposals will affect people disproportionately because of issues around caring responsibilities per se. However we are aware that some Carers may have disability issues that impact on their ability to access the new site	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of the protected characteristic are identified then the Action Plan will be amended accordingly.
<p><b>Opportunity to advance equality of opportunity and/or foster good relations</b> (Please refer to the guidance for more information on the public sector duties)</p>		
<p>The provision of school places within the heart of the new community will allow more children to attend a school in their locality and extend the range of successful preferences available to parents/carers.</p> <p>The provision of a new school building provides a clear opportunity to assist those with protected characteristics to attend education provision which is local and of modern, accessible design. The layout/design of the building(s) will meet the requirements to avoid Disability Discrimination under Section 15 of the Equality Act 2010 and the duties found within Part 6, Section 149 and Schedules 10 and 13 of the Equality Act 2010 concerning disability will be factored into the scheme design(s). The designs will allow access to everyone throughout the site and therefore promote integration of all pupils with one another.</p>		

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### STEP 5: Gaps identified

<p><b>Gaps identified</b> Do you need to collect more data/information or carry out consultation? (A 'How to engage' consultation guide is on Compass). How will you make sure your consultation is accessible to those affected?</p>	<p>The current proposal relates to exercising the option for acquiring land for a 2FE site that will provide for the relocation of the existing 1f.e Westfield Community School. When the final decision made and the way forward determined, the scope of data necessary to assess the impact equalities issues will be reviewed and any gaps identified at that time. Mitigation measures will also be identified at that time.</p>
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### STEP 6: Other impacts

Consider if your proposal has the potential (positive and negative) to impact on areas such as health and wellbeing, crime and disorder and community relations. There is more information in the guidance.

### STEP 7: Conclusion of your analysis

Select one conclusion of your analysis	Give details
<input type="checkbox"/> <b>No equality impacts identified</b> – No change required to proposal.	
<input type="checkbox"/> <b>Minimal equality impacts identified</b> – Adverse impacts have been identified, but have been objectively justified (provided you do not unlawfully discriminate). – Ensure decision makers consider the cumulative effect of how a number of decisions impact on equality.	
<input checked="" type="checkbox"/> <b>Potential equality impacts identified</b> <input type="checkbox"/> – Take 'mitigating action' to remove barriers or better advance equality. – Complete the action plan in the next section.	Ensure that the proposals do not impact adversely upon pupils with disabilities and ensure that the communications strategy takes into account the differing needs of the local community.

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Select one conclusion of your analysis	Give details
<p><b>Major equality impacts identified</b></p> <input type="checkbox"/> <ul style="list-style-type: none"> <li>– Stop and remove the policy.</li> <li>– The adverse effects are not justified, cannot be mitigated or show unlawful discrimination.</li> <li>– Ensure decision makers understand the equality impact.</li> </ul>	

### STEP 8: Action Plan

Issue or opportunity identified relating to:	Action proposed	Officer Responsible and target date
<ul style="list-style-type: none"> <li>– Mitigation measures</li> <li>– Further research</li> <li>– Consultation proposal</li> <li>– Monitor and review</li> </ul>		
The need to address access and equality issues when developing the layout of the building.	This will form part of the design brief and specification for the new school building.	School Planning Team – Ongoing through the design process.
There is an opportunity to provide a site and building design which all those with Protected Characteristics to be fully integrated in the school community	The accommodation will be compliant with the Equality Act 2010 to avoid Disability Discrimination under Section 15 of the Act.	Project Manager – reviewed every 3 months throughout design process

**This EqIA has been reviewed and signed off by:**

**Head of Service or Business Manager: Pauline Davis      Date:**

**Equality Action Group Chair:      Date:**

HCC's Diversity Board requires the Equality team to compile a central list of EqIAs so a random sample can be quality assured. Each Equality Action Group is encouraged to keep a forward plan of key service decisions that may require an EqIA, but please can you ensure the Equality team is made aware of any EqIAs completed so we can add them to our list. (email: [equalities@hertfordshire.gov.uk](mailto:equalities@hertfordshire.gov.uk)). Thank you.