

AGENDA ITEM: 8

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Meeting	Cabinet Resources Committee
Date	27 July 2006
Subject	St. Mary's & St. John's Primary School – New Nursery Site
Report of	Cabinet Member for Education & Lifelong Learning The Leader/Cabinet Member for Resources
Summary	This report seeks the Committees support for the transfer of 658 square metres of council owned land to the trustees of St. Mary's & St. John's primary school to assist the governors in carrying out their duty to implement the provision of a new nursery.

Officer Contributors	Chief Education Officer
Status (public or exempt)	Public
Wards affected	Hendon
Enclosures	Appendix A – Site Plan
For decision by	Cabinet Resources Committee
Function of	Executive
Reason for urgency / exemption from call-in (if appropriate)	Not Applicable

Contact for further information: Andrew Rowland (Education Service) 020 8359 7647

1. RECOMMENDATIONS

- 1.1 That the Committee supports the transfer of 658 square metres of Council owned land to the trustees of St. Mary's and St. John's Primary School in order to assist the governors in their duty to implement the provision of a new nursery by transferring a suitable interest in the land (that satisfies the requirements of the School Standards and Framework Act 1998) by means of a 50 year lease at a peppercorn rent.**
- 1.2 That the Legal Department in conjunction with the Head of Property Services be instructed to draw up a suitable lease that satisfies the requirements of the act and that protects the Council's interests.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Cabinet 16 December 2004, Maintained Nursery classes at primary schools.
- 2.2 School Organisation Committee 11 January 2006.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 A Bright Future for Children and Young People is one of the 5 key priorities of the Corporate Plan 2006/07 – 2009/10 alongside the service objective to “Ensure that every child gets the best start in life”.
- 3.2 To increase the number of primary schools with nursery classes and ensure this reflects the diversity of the main school provision to provide equality of choice to the community (School Organisation plan 2003 -08).

4. RISK MANAGEMENT ISSUES

- 4.1 If this committee declines to assist the governors by the provision of land on which to site this nursery, the consequences will be that the provision will be delayed for some considerable time and substantial additional funding will need to be found. In addition the grant aided funding from the LEA Controlled Voluntary Aided programme (LCVAP) will be lost, in that LCVAP funding must be spent within the financial year in which it is given.

5. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

5.1 Financial

- 5.2 There are no capital funding implications for the local authority.
- 5.3 The estimated cost of £716,928 will be almost entirely funded by Department for Education and Skills grant aided funding (£536,928) with the balance being met from the schools devolved formula capital (£120,000). The governors will be contributing 10% of the grant aided funding from their own resources. A further £10,000 will be funded from the schools delegated budget and the remaining £50,000 will be funded from the London Diocesan Board for Schools own resources.

5.4 The estimated costs are as follows:

Building Costs	£612,134
Fees	£94,794
Furniture & Equipment	<u>£10,000</u>
Total	<u>£716,928</u>

5.5 The school's revenue budget will increase, because the budget formula will take into account the increase in size of the premises and the increase in the number of children attending the school. This will be met from within the Dedicated Schools' Grant budget.

5.6 The Council's legal, valuation and surveying fees incurred in the conveyance will amount to £2,500 and will be met from the Education revenue budget. The governors will be responsible for their own legal fees.

5.7 Staffing

5.8 None.

5.9 ICT

5.10 None.

5.11 Property

5.12 The area of the proposed land transfer to establish the nursery together with the area required to extend the infant playground is 658 square metres.

5.13 The exempt section of this report gives the land valuation based on a 50 year lease.

6. LEGAL ISSUES

6.1 Under the provisions of the School Standards and Framework act 1998 it is for the governors / promoters to provide any additional site required to carry out their statutory obligations.

6.2 The authority can under the provisions of schedule 6, para 18 of the School Standard and Framework Act 1998 “. give to the governing body of a voluntary aided school such assistance as the authority thinks fit in relation to the carrying out by the governing body of any obligation arising by virtue of para 14 (2) in relation to proposals published by them under section 28”.

6.3 Should the council assist the governors by the provision of additional site then under the provisions of the Schools Standards and Framework Act 1998, schedule 6, part 4 para 2 “The authority shall transfer their interest in the site and in any building on the site which are to form part of the school premises”.

6.4 The council's interest in the transferred site is protected under Section 70 of the Education Act 1996 that provides that where such assistance is given and

the trustees subsequently make a disposal of the interest, they are liable to pay to the council an amount equal to the net proceeds of the disposal.

7. CONSTITUTIONAL POWERS

- 7.1 Constitution Part 3 – Responsibility for Functions – Section 3: Powers of the Executive.

8. BACKGROUND INFORMATION

- 8.1 The provision of a new nursery at St. Mary's & St. John's primary school arises from the Cabinet Resources report of 16 December 2004 – "Maintained Nursery Classes at Primary Schools".

- 8.2 The council as part of its Strategic Organisation Plan (SOP) objective to increase the number of nursery classes based at primary schools, and to further promote choice and reflect diversity recognised that there is less maintained nursery provision in Church of England primary schools in this area of the Borough and that the provision of a nursery at this school would address the need identified in the SOP 2003 – 2008.

- 8.3 Notices under section 28 (2) Of the School Standard and Framework Act 1998 were duly published on 21 October 2005 and following the statutory consultation period were approved by the Schools Organisation Committee on 11 January 2006. Grant aided funding from the LEA Controlled Voluntary Aided Programme (LCVAP) 2006/07 were allocated by the LCVAP panel at their meeting on 28 February 2006.

- 8.4 The governors' consultants (Dunphy & Hayes) have appraised a number of options to determine the best location for the new facility :-

Option 1 – To build an extension onto the existing infant building. This was discounted because of the costs arising from the structural works that would be needed in siting the new building over the London Transport underground tunnel that runs under the school site.

Option 2 – The conversion of 2 split level classrooms in the junior building to form the nursery together with the erection of a new build 2 classroom block to replace the converted classrooms. Again this option was discounted on cost grounds.

Option 3 – The current proposal which is to site the nursery on adjacent council land. The existing site ownership is shown on the attached site plan (Appendix A)

- 8.5 This proposal is shown on the attached site plans (Appendix A). This option will however require the authority to pass title of the 658 square metres site area of the nursery to the Governors Trustees (The London Diocesan Board for Schools). This includes a small area of 54 square metres that would allow the infant playground to be extended to become contiguous with the nursery

site. This is subject to there being no restrictions on title to the site that would fetter the transfer.

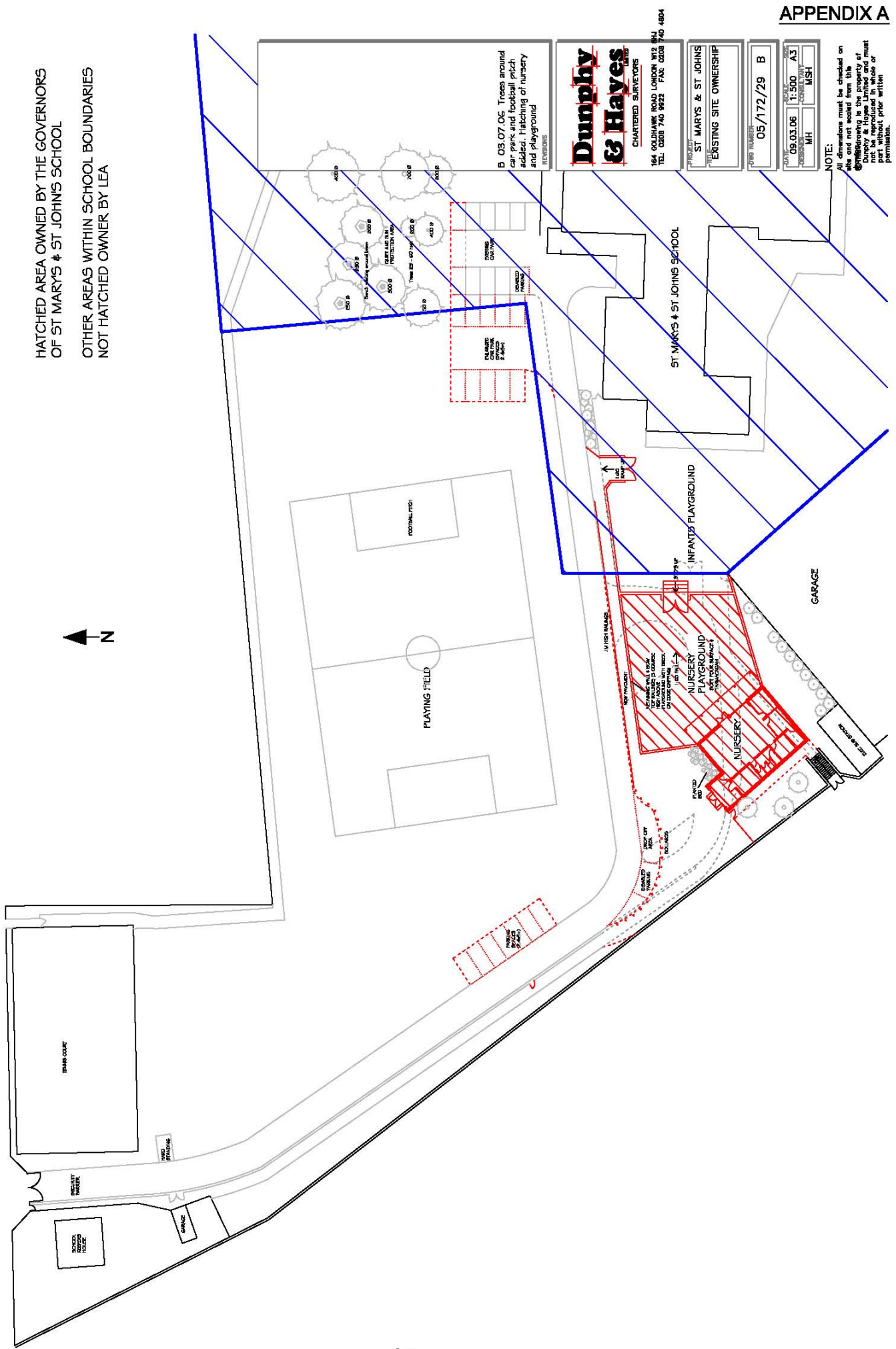
- 8.6 The nursery is to be sited on an area that is currently laid out as a car park. A replacement car park is proposed on the eastern edge of the council owned area as an extension to the existing school staff car park. The replacement of the car park is a condition of the Grant of Planning permission. The schools consultants investigated extending the car park northwards and within the existing school site and concluded that it would involve considerable additional cost to the scheme from the removal of a number of mature trees. The mature trees provide substantial shade in the heat of the summer and provide an environmental and educational resource for the pupils.
- 8.7 It is not proposed that this area of approximately 280 square metres is transferred to the governors but remains within local authority ownership and that the liability for any future repairs and maintenance of this area is passed to the governors within the framework of the legal agreement that passes title of the nursery site to the schools governors.
- 8.8 Planning permission was granted on 7 June 2006 subject to the condition that “Before the development hereby permitted is occupied the parking spaces shown shall be provided and shall not be used for any other purpose other than the parking of vehicles in connection with the approved development.
- 8.9 The Department for Education and Skills (DfES) have given notice of “Approval to proceed to tender” at the estimated cost shown in 5.4. and their consultant architects in their recommendation for scheme approval note that “This is a well planned project to provide a new nursery and playground”.

9 LIST OF BACKGROUND PAPERS

- 9.1 Statutory Notice (21 October 2005)
- 9.1 Consultation documents
- 9.2 Minutes of the School Organisation Committee 11 January 2006.
- 9.3 Grant of planning permission – 7 June 2006
- 9.4 Any person wishing to inspect the background papers listed above should telephone 020 8359 7647

Legal: PJ
CFO: CM

HATCHED AREA OWNED BY THE GOVERNORS OF ST MARYS & ST JOHN'S SCHOOL
 OTHER AREAS WITHIN SCHOOL BOUNDARIES NOT HATCHED OWNER BY LEA



REVISIONS
 B 03.07.06 Trees around car park and football pitch added. Hatching of nursery and playground

Dunphy & Hayes
 CHARTERED SURVEYORS
 164 GOLDHAWK ROAD LONDON W12 8HJ
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PROJECT NO.	ST MARYS & ST JOHN'S
TITLE	EXISTING SITE OWNERSHIP
DATE	05/172/29 B
DRAWN BY	MSH
CHECKED BY	MSH
SCALE	1:500
PROJECT NO.	A3

NOTE:
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