



RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** held on **Wednesday 7 February 2018**.

The decisions will come into force and may be implemented from Monday 19 February 2018 unless the Corporate Overview and Scrutiny Management Committee or its Committees object to any such decision and call it in.

School Admission Arrangements Academic Year 2019/2020, and Proposed changes to the oversubscription criteria for admission to Community and Voluntary Controlled Nursery Schools and Nursery Units from 1 September 2018 [Key Decision: CYPS/02/17]

Summary

The Cabinet considered a report of the Corporate Director of Children and Young People's Services which sought approval for the proposed oversubscription criteria for admission to Community and Voluntary Controlled Nursery Schools and Nursery Units from 1 September 2018 to take account of the council's statutory duty to provide 30 hours free childcare per week for entitled 3 and 4 year olds. The report also sought Cabinet approval for the proposed admission arrangements for Community and Voluntary Controlled Schools for the 2019/20 academic year.

The national School Admissions Code requires all schools to have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than places at the school (oversubscription). Admission arrangements are determined by admission authorities. The Local Authority (LA) is the admission authority for Community and Voluntary Controlled Schools, while the Governing Body is the admission authority for Voluntary Aided and Foundation Schools and the relevant Trust for an Academy or Free School.

All admission authorities must agree admission arrangements annually. Where changes are proposed to admission arrangements the admission authority must first consult on those arrangements. If there are no changes proposed they only need to be consulted on at least every 7 years. There were no changes proposed to Durham's admission arrangements therefore there was no need to consult this year. Consultation will need to be undertaken for future admission arrangements in autumn 2018 as this will start the next 7 year period.

On 8 February 2017, Cabinet approved the school admission arrangements for the academic year 2018/19. These arrangements included the oversubscription criteria to be applied for admission to Community and Voluntary Controlled Nursery Schools and Nursery Units. Since then, the Government introduced 30 hours free childcare per week for entitled 3 and 4 year olds from 1 September 2017.

The oversubscription criteria agreed on 8 February 2017 did not include how applications for 30 hours per week places would be offered, therefore consultation was undertaken on proposed criteria for 30 hour places. Details of the consultation were contained in the report.

There were no changes proposed to the current admission arrangements for Community and Voluntary Controlled schools that required public consultation, other than where it is proposed that some schools have a reduction in the admission number for the purposes of efficient and effective curriculum delivery. All Governing Bodies/Trusts have considered the proposed admission number for their school. The proposed admission number (PAN) for each Community and Voluntary Controlled School was detailed in Appendix 3 of the report. Consultation was undertaken between 12 October 2017 and 27 November 2017 on schools where a reduction to the admission number was proposed. Schools responded and the recommended PANs were detailed in Appendix 3 of the report.

All Governing Bodies/Trusts have also considered and agreed to the co-ordinated admission schemes that will govern the administrative processes for the 2019/20 academic year. These were detailed in Appendix 4 of the report. These are unchanged from last year. Since a new School Admissions Code was published in December 2014 all admission authorities in Durham have followed advice issued by the Department for Education (DfE) at the same time in relation to the admission of summer born children outside of the normal year of entry. The process is detailed in the coordinated admission scheme for primary schools in Appendix 4 of the report.

All admission authorities must determine that admission arrangements for 2019/2020 by 28 February 2018 and these must be published on their website not later than 15 March 2018.

Decision

The Cabinet agreed the proposed oversubscription criteria for admission to Community and Voluntary Controlled Nursery Schools and Nursery Units from 1 September 2018 to take account of the council's statutory duty to provide 30 hours free childcare per week for entitled 3 and 4 year olds as set out in Appendix 2; and agreed the following in respect of Community and Voluntary Controlled schools, when determining the admission arrangements for 2019/20:

- (a) The proposed admission numbers as recommended in Appendix 3
- (b) The admission arrangements in Appendix 4 of the report.

Proposal to Change the Age Range of Bowburn Junior School from 7-11 to 3-11 from 1 September 2019 in an Enlarged New Build to Create a Primary School and to Close Bowburn Infant and Nursery School as a Registered School on 31 August 2019 [Key Decision: CYPS/03/17]

Summary

The Cabinet considered a report of the Children and Young People's Services which sought Cabinet approval to change the age range of Bowburn Junior School from 7-11 to 3-11 from 1 September 2019 in an enlarged new build to create a Primary School and to close Bowburn Infant and Nursery School as a registered school on 31 August 2019, taking account of the Local Authority's duties as prescribed in the Education and Inspections Act 2006 to secure sufficient places, and to ensure good outcomes for all children and young people in this local area.

In December 2016, Cabinet approved its overarching strategy for school organisation and the pattern and provision of schools across County Durham. One of the principles underlying the strategy is where practicable to do so, to move towards a pattern of 'all through' primary schools rather than separate infant and junior schools. The proposal to amalgamate Bowburn Infant and Nursery School and Bowburn Junior School into a single primary school is in accordance with the council's strategy of moving towards a model of all through primary schools. In November 2017, Cabinet also approved a strategic review of school provision in County Durham to ensure the financial sustainability of schools. This review builds on the strategy approved in December 2016 and aims to ensure that County Durham has an appropriate mix and the right number of high performing, financially sustainable schools. One of the options to be utilised to meet this aim is the amalgamation of schools.

Using delegated powers, the Corporate Director, Children and Young People's Services approved the start of consultation on the proposal to change the age range of Bowburn Junior School from 7-11 to 3-11 from 1 September 2019. The delegated decision report is included in Appendix 2. A public consultation was undertaken between 2 October 2017 and 10 November 2017. A full summary of the consultation responses is included in the delegated decision report at Appendix 2.

The large majority (63) were in support of the proposal and only 2 were not in support of it. After full consideration of all the responses to the consultation, the Corporate Director, Children and Young People's Services used delegated powers to agree to publish proposals to change the age range of Bowburn Junior School from 7-11 to 3-11 from 1 September 2019 in an enlarged new build and to close Bowburn Infant and Nursery School as a registered school on 31 August 2019. A statutory notice was therefore published on 23 November 2017 (attached as Appendix 3). A statutory 4 week representation period followed during which comments on the proposal could be made. One response was received by the end of the 4 week statutory notice period. This respondent expressed concerns as to access to the site for the proposed primary school and queried whether the site was large enough. It was unclear whether the response was in support of the proposal or not.

Any proposal that is 'related' to another proposal must be considered together. A proposal should be regarded as 'related' if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal. Decisions for 'related' proposals should be compatible.

The proposal to change the age range of Bowburn Junior School from 7-11 to 3-11 from 1 September 2019 in an enlarged new build and to close Bowburn Infant and Nursery School as a registered school on 31 August 2019 are 'related' therefore they must be considered together.

Officers believe that proceeding with the proposal will enhance education provision in Bowburn. Amalgamating Bowburn Infant and Nursery School and Bowburn Junior School into one Primary School in an enlarged new build will provide a more viable educational establishment for the long term to respond to the growth in Bowburn.

Decision

The Cabinet agreed:

- (a) that the age range of Bowburn Junior school should be changed from 7-11 to 3-11 in an expanded new build from 1 September 2019 to create a primary school; and
- (b) that Bowburn Infant and Nursery School should close as a requested school on 31 August 2019.

Regulation 7 Direction – Proposals to restrict Letting Boards in areas of high number student properties

Summary

The Cabinet considered a report of the Corporate Director of Regeneration and Local Services which requested Cabinet to authorise the Head of Planning and Assets to make a proposal to the Secretary of State under Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for a Direction which would operate to withdraw deemed consent for the display of letting boards within the Durham City Conservation Area.

The effect of such a Direction would be to require advertisers to submit an application to the Council for express consent for the display of letting boards. This new control would align with the Council's vision of an 'Altogether Better Durham' and the Regeneration and Local Services (REAL) Service Grouping Key Area of Focus of "A Clean, Sustainable and Safe Environment".

Efforts to control the display of letting boards were introduced a number of years ago with the increase in student landlords and advertising. In 2011 a voluntary code was introduced. Whilst this has had a positive impact it has not alleviated the harm to amenity and environment to the expected standard and a more formal intervention has been required.

Introducing a Regulation 7 Direction would allow the Council to introduce firmer controls on letting boards in a way which it has not been able to achieve to date. However, as the power to make such a Direction is vested in the Secretary of State, as opposed to the Council, it is necessary for the Council to apply to the Secretary of State for a Direction.

Publicity and consultation on three options was undertaken between the 9th January 2017 and 17th February 2017. Following the publicity and consultation a total number of 104 responses were received and the key comments of all the responses received were summarised in the report.

Having regard to the representations made it was considered that the following three options were available:

- Option 1 – Revert back to position before the implementation of the Voluntary Code

It was considered that Option 1 would be a regressive step as this would revert back to a situation before the introduction of the Voluntary Code, where the number of displayed letting board was at its highest.

- Option 2 – Continue with the current Voluntary Code

It was considered that Option 2 would not provide any improvement or enhancement to the existing character of Durham (City Centre) Conservation Area. Whilst the introduction of the Voluntary Code has reduced the number of boards present it has not had the desired effect as not all landlords and agents have signed up to the Code.

- Option 3 – Implementation of Regulation 7 Direction

Option 3 was the preferred option as implementing the Regulation 7 Direction would mean no letting boards can be displayed without formal consent from the Council. The Council would therefore have control over the display of the letting boards ensuring a consistent approach is applied throughout that either preserves or enhances the special interest, character and appearance of the Durham (City Centre) Conservation Area.

To introduce controls on letting boards the Council will be required to apply to the Secretary of State to request that he makes a Direction under regulation 7 of the 2007 Regulations. The current Voluntary Code will continue to be implemented by the County Council until a decision has been made by the Secretary of State on the Regulation 7 Direction proposal. The application/proposal to be made under Regulation 7 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 to the Secretary of State will require satisfaction of publicity requirements. Stakeholders will have 21 days to submit objections directly to the Secretary of State, who will then consider the proposal along with any representations received by the Council in response to the formal notices.

There is no timescale for a decision which can take between 3-6 months or potentially longer if an Inquiry is called. If objections are received (which is considered likely) then the Secretary of State will almost certainly convene a Public Inquiry to consider the matter. If the Secretary of State decides to make a Direction, a second publicity exercise is then undertaken.

Decision

The Cabinet authorised the Head of Planning and Assets to make a proposal to the Secretary of State for a Regulation 7 Direction to be made to prohibit the display of Letting Boards within the Durham City Conservation Area without express consent, and to comply with all necessary publicity requirements.

Helen Lynch
Head of Legal & Democratic Services
9 February 2018