



**NOTTINGHAM CITY COUNCIL**  
**OVERVIEW AND SCRUTINY - CALL IN PANEL**

**Date:** Wednesday, 30 March 2016

**Time:** 10.00 am

**Place:** LB 31 - Loxley House, Station Street, Nottingham, NG2 3NG

**Councillors are requested to attend the above meeting to transact the following business**

**Corporate Director for Resilience**

**Governance Officer:** Rav Kalsi **Direct Dial:** 0115 8763759

**AGENDA**

**Pages**

- |          |  |         |
|----------|--|---------|
| <b>1</b> | <b>APOLOGIES FOR ABSENCE</b>   |         |
| <b>2</b> | <b>DECLARATIONS OF INTERESTS</b>   |         |
| <b>3</b> | <b>CONFIRMATION OF VALIDITY OF CALL-IN</b><br>Report of the Head of Democratic Services  | 3 - 34  |
| <b>4</b> | <b>CONSIDERATION OF CALL-IN REQUEST</b><br>Report of the Head of Democratic Services   | 35 - 42 |
| <b>5</b> | <b>EXCLUSION OF THE PUBLIC</b><br>To consider excluding the public from the meeting during consideration of the remaining item(s) in accordance with Section 100A(4) of the Local Government Act 1972 on the basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighs in the public interest in disclosing the information |         |
| <b>6</b> | <b>CONFIRMATION OF VALIDITY OF CALL-IN</b>   | 43 - 44 |

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT [WWW.NOTTINGHAMCITY.GOV.UK](http://WWW.NOTTINGHAMCITY.GOV.UK). INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

<b>OVERVIEW AND SCRUTINY COMMITTEE</b>
<b>30 MARCH 2016</b>
<b>CONFIRMATION OF VALIDITY OF CALL-IN REQUEST RELATING TO DELEGATED DECISION 2370 – APPROVAL OF THE ALLOCATION OF FUNDING FOR THE PROVISION OF ADDITIONAL ACCOMMODATION AT FERNWOOD PRIMARY SCHOOL FOR SEPTEMBER 2016</b>
<b>REPORT OF HEAD OF DEMOCRATIC SERVICES</b>

**1. Purpose**

A call-in request relating to Delegated Decision 2370 – Approval of the allocation of funding for the provision of additional accommodation at Fernwood Primary School for September 2016, has been received. The purpose of this agenda item is to consider the validity of this call-in request.

**2. Action required**

The Committee is asked to confirm that the call-in request relating to Delegated Decision 2370 is valid.

**3. Background information**

3.1 The Council’s call-in procedure is set out in the Council’s Constitution. A guide to the call-in process is attached as an appendix to this report.

3.2 Delegated Decision 2370 was published on 8 March 2016, and the last date for call-in was 15 March 2016. A copy of the delegated decision is attached as an appendix to this report. The exempt appendix relating to the decision is included later on the agenda.

3.3 The Call-In Request Form was received by the Democratic Services Team on 15 March 2016 having been signed by Councillors Armstrong and Culley. A copy of the Call-In Request Form is attached as an appendix to this report. The Call-In Request Form identified the reasons for call-in as:

**3.4 Inadequate consultation relating to the decision**

*The Business Case update and final version dated 2<sup>nd</sup> February 2016 states that “the expansion of the school has yet to be approved” “Consultation has now commenced ... The outcome of the consultation and the final decision will not be known until later in the year ...”*

*A report to the Executive Board on 22<sup>nd</sup> December 2015 indicated that 57 per cent of those who took part in consultation between 21<sup>st</sup>*

September and 18<sup>th</sup> October 2015 did not agree with increasing the capacity of the school.

3.5 Relevant information not considered

*The impact of the increased capacity on the surrounding area in terms of traffic flow and parking provision is not addressed in either the business plan or Delegated Decision.*

3.6 Viable alternatives not considered

*The building of an additional school in Wollaton to increase provision in the area.*

3.7 Justification for the decision open to challenge on the basis of evidence considered

*The Business Case states if the formal proposal to expand Fernwood Primary School is agreed “there will need to be further building works to the Key Stage 2 building which consist of a further four classrooms and associated space.” It is not made clear in the Delegated Decision form which advises building two new classrooms how many further classrooms will be built.*

3.8 On the basis of the information provided, the Head of Democratic Services has confirmed the validity of 3.5 and 3.6 above only. The following have been considered invalid for the following reasons:

In respect of 3.4 above, the Head of Democratic Services has commented that the details relate to the consultation process in respect of a decision to be taken by Executive Board on 22 March 2016 and not within delegated decision 2370. For this reason it was considered an invalid reason for call-in.

3.9 In respect of 3.7 above, the details quoted about the formal expansion process and the additional four classrooms and associated space in the Key Stage 2 building at Fernwood Primary School is drawn from the business case which is referenced in, and forms part of Decision 2370 as a briefing note submitted to the decision taker for the purposes of considering the decision. Therefore, it is incorrect to state that it is not made clear in the delegated decision how many further classrooms will be built. The business case is in fact very specific on this point about future additional classrooms and this proposal is the subject of a decision to be considered by Executive Board on 22 March 2016. For this reason it was considered an invalid reason for call-in.

The Call-In Panel is asked to endorse this view.

4. **List of attached information**

The following information can be found in the appendices to this report

**Appendix 1** – Overview and Scrutiny: Guide to Call-In

**Appendix 2** – Delegated Decision 2370 – Approval of the allocation of funding for the provision of additional accommodation at Fernwood Primary School for September 2016.

**Appendix 3** – Call-in Request Form

5. **Background papers, other than published works or those disclosing exempt or confidential information**

None

6. **Published documents referred to in compiling this report**

Nottingham City Council's Constitution

<http://www.nottinghamcity.gov.uk/article/24275/Nottingham-City-Councils-Constitution>

7. **Wards affected**

Wollaton West

8. **Contact information**

Rav Kalsi

Senior Governance Officer

0115 8763759

[rav.kalsi@nottinghamcity.gov.uk](mailto:rav.kalsi@nottinghamcity.gov.uk)

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## Overview and scrutiny: Guide to call-in

### What is call-in

Call-in is a mechanism for scrutinising Executive decisions. Overview and scrutiny has the power to ask for an Executive decision to be reconsidered if, during the five working days immediately following an Executive decision, valid concerns are raised about the way in which the decision has been taken, for example that relevant information was not considered. This power is set out in national legislation and arrangements for putting it into practice are in the Council's Constitution.

### Making a request to call-in a decision

Executive decisions are published on the Council's website. Following publication of an Executive decision there is a period of five working days during which non-executive councillors can request that the decision be called-in. The decision is not allowed to be implemented until the period of five working days has expired.

Decisions that can be called-in are those of:

- The Executive Board
- A committee of the Executive Board
- An individual Portfolio Holder
- Executive decision made by an Area Committee
- Executive decisions (£50,000 or more) made by an officer under authority delegated by the Leader, Executive Board or a committee of the Executive Board or by an officer to officer sub-delegation of powers within the Council's Scheme of Delegation

with the exception of decisions made under the urgency procedure, which cannot be called-in.

Requests to call-in a decision must be made in writing using the Call-In Request Form and signed by three non-executive councillors. Where a political group comprises only 3 or 2 councillors, and where there are no other minority groups or independent councillors on the Council, the requirement for three councillors to request reconsideration of the decision (call-in) is reduced to 2 (where the group comprises 3 councillors) and to 1 (where the group comprises 2 councillors).

Copies of the Call-In Request Form are available from the Overview and Scrutiny Team (contact details at the end of this Guide) and on the Councillor Resource Centre intranet pages.

When requesting a decision is called-in, at least one of the following reasons must be cited, along with further explanation for the reason(s) given:

- The decision is outside the Council's policy and/or budgetary framework
- Inadequate consultation relating to the decision
- Relevant information not considered
- Viable alternatives not considered

- Justification for the decision to be open to challenge on the basis of the evidence considered.

## **What happens when a request to call-in a decision is received**

The Head of Democratic Services is responsible for assessing the validity of call-in requests. If any doubt remains the Director of Legal and Democratic Services (the Council's Monitoring Officer) will make the decision on whether the request is valid or not. Defamatory and frivolous requests will be rejected.

At this time, the relevant decision-maker, Portfolio Holder, Director and contact colleague will be informed that implementation of the decision is suspended until the outcome of the call-in has been determined. If the suspended decision relates to a contract or other procurement issue, the Contract Procurement Manager should also be notified.

The Call-In Panel (a sub-committee of the Overview and Scrutiny Committee) is responsible for considering call-in requests. Therefore once a request is considered to be valid, a meeting of the Panel will be scheduled. This meeting must be held within seven working days of the receipt of the request, or at a later date if agreed by the Chair of Overview and Scrutiny.

## **Meetings of the Call-In Panel**

The purpose of the Call-In Panel meeting is to:

- a) Agree that the call-in is valid as set out in the Council's Constitution
- b) Consider whether the Executive decision should be referred back to the decision-maker for further consideration or whether it can be implemented.

## **Suggested procedure to be followed**

When the meeting begins the Chair will:

1. Ask the Panel to agree whether the call-in is valid and agree the parameters for the discussion.
2. Ask the relevant Portfolio Holder to briefly outline details of, and reasons for their decision [suggested time: 10 minutes]
3. Ask a representative of the councillors who requested the call-in to briefly outline their concerns and reasons for these [suggested time: 10 minutes]
4. Ask the Portfolio Holder (and their supporting colleagues) to briefly respond to the points raised [suggested time: 10 minutes]

Members of the Call-In Panel will then discuss the call-in request, the decision and invite the Portfolio Holder and the councillors who requested the call-in to respond to any questions raised by the Panel.

The Chair will invite the Portfolio Holder and a representative of the councillors who requested the call-in to sum up any final comments [suggested time: 5 minutes each]. Following this, the Portfolio Holder (and their supporting colleagues) and the councillors who requested the call-in may leave the meeting if they chose to as they are not required to remain at the meeting during the deliberations.



Focusing on the reasons for the call-in as given in the Call-In Request Form, and based on the evidence from the Portfolio Holder and the councillors who requested the call-in, the Panel will then decide to either:

- a) Require that the decision is reconsidered, and make recommendation(s) as to what should be taken into consideration; or
- b) Agree that the decision does not need to be reconsidered and can be implemented.

In both cases, reasons will be given by the Panel for its decision.

If the Panel agrees that the decision should be reconsidered it can:

- a) Refer the decision back to the decision-maker for reconsideration; or
- b) Refer the decision to full Council if they feel that the decision made is contrary to the Council's policy and/or budgetary framework.

In addition, the Panel can make other relevant recommendations which will be referred to the relevant Portfolio Holder, or the Executive Board for response.

### **What happens following the meeting of the Call-In Panel**

Following the meeting, the relevant decision-maker Portfolio Holder, Director and contact colleague will be informed of the outcome of the meeting.

If the Panel decides that the decision does not need to be reconsidered, then it can be implemented immediately.

If the Panel refers the decision back to the decision-maker then it will be reconsidered in light of comments made by the Panel. The decision-maker can decide whether to amend the original decision or not before adopting a final decision. This final decision cannot be subject to further call-in.

Additional recommendations made by the Panel will be treated in the same way as any other recommendations made by overview and scrutiny, and referred to the relevant Portfolio Holder or Executive Board. They will be asked to provide a response to say whether they agree to implement the recommendation(s) and how they intend to do so. Progress on implementation will then be reviewed at a later date. If they decline to implement a recommendation they will be asked to explain why.

### **Contact information**

For further information about call-in, or any other matters related to overview and scrutiny, contact Constitutional Services

Jane Garrard	0115 8764315	<a href="mailto:jane.garrard@nottinghamcity.gov.uk">jane.garrard@nottinghamcity.gov.uk</a>
Rav Kalsi	0115 8763759	<a href="mailto:rav.kalsi@nottinghamcity.gov.uk">rav.kalsi@nottinghamcity.gov.uk</a>

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# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:	2370
Author:	Caroline Butrymowicz
Department:	Chief Executives Group
Contact:	Caroline Butrymowicz (Job Title: Project Manager, Email: caroline.butrymowicz@nottinghamcity.gov.uk, Phone: 01158763396)
Subject:	Approval of the allocation of funding for the provision of additional accommodation at Fernwood Primary school for September 2016
Total Value:	£750,000 (Type: Capital)
Decision Being Taken:	<p>Approve the allocation of £750,000 from the capital programme (Basic Need Grant) to create two infant classrooms at Fernwood Primary school.</p> <p>Approve the procurement of the contractor GF Tomlinson from the East Midlands Property Alliance (EMPA) Framework and the Council's Design Services team to support the delivery of the project. GF Tomlinson are the preferred contractor as they are part of the early works design team and already are very familiar with the site and buildings.</p> <p>Delegate authority to the Head of Legal Services to enter into contract with GF Tomlinson , subject to the project being in budget.</p>
Reasons for the Decision(s)	<p>Overall the pressure on primary school places is continuing to increase and the number of children in Nottingham accessing school places is still increasing. There was a significant shortage of reception catchment places in Wollaton for 2015/16 and the shortage is set to remain for 2016/17 onwards.</p> <p>Currently a consultation process is underway on the permanent expansion of Fernwood Primary school from 840 places to a 1050 school. Ahead of this permanent expansion (subject to consultation) the Governing Body at the school agreed to accommodate a bulge year of 30 pupils for 2015/16. In order to accommodate these pupils the space used for breakfast club was converted into a classroom (DD 2184). The continued demand for catchment places within the reception age is explained and evidenced by colleagues in School Organisation Team in DD 2164.</p>
Briefing notes documents:	Business Case - Fernwood V2.pdf

<b>Other Options Considered:</b>	Do nothing - This option will prevent the school from increasing it's capacity to accommodate additional pupils for 2016 admission intake.
<b>Background Papers:</b>	None
<b>Published Works:</b>	DD 2164: Proposed expansion of Fernwood Primary School, Wollaton DD 2184: Early works including design development to allow Fernwood Infant and Junior schools to expand
<b>Affected Wards:</b>	Wollaton East and Lenton Abbey
<b>Colleague / Councillor Interests:</b>	N/A
<b>Any Information Exempt from publication:</b>	Yes
<b>Exempt Information:</b>	
<b>Description of what is exempt:</b>	Legal advice
	An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972
<b>5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</b>	The public interest in maintaining the exemption outweighs the public interest in disclosing the information because the decision maker is entitled to consider the legal risks in the proposed course of action without the City Council's position being prejudiced simply by the consideration of those risks
<b>Documents exempt from publication:</b>	2016-02-23 exempt legal obs JLT.pdf

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<b>Consultations:</b>	Those not consulted are not directly affected by the decision.
<b>Crime and Disorder Implications:</b>	None
<b>Equality:</b>	Please login to the system to view the EIA document: Fernwood Expansion - EIA.doc
<b>Social Value Considerations:</b>	N/A
<b>Relates to staffing:</b>	Yes
<b>Relates to Council Property Assets:</b>	Yes
<b>Decision Type:</b>	Portfolio Holder
<b>Subject to Call In:</b>	Yes
<b>Call In Expiry date:</b>	15/03/2016
<b>Advice Sought:</b>	Legal, Finance, Procurement, Human Resources, Equality and Diversity, Property
<b>Legal Advice:</b>	This advice is exempt from publication and is contained within an exempt appendix Advice provided by Andrew James (Team Leader Contracts and Commercial) on 25/02/2016.

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£4.6m for Primary Schools Reorganisation for undeveloped schemes in areas with increased demand for places was approved (pending business case) as part of the Investment Strategy by Full Council in October 2014. Fernwood Primary and Nursery school is continuously oversubscribed and experiences increasing waiting lists, the total cost of the overall expansion is forecast at £2.000m this report requests £750k in order to progress two classrooms of the expansion. The remainder is expected to be approved by Executive Board in March 2016.

The development is part of Primary Schools Re-Organisation Phase 2 which is to be funded from basic needs grant (confirmed up until 2017/18). Over the past few years it has been usual to forecast future Basic Needs Grant and to use this indicative grant to build a programme of expansions, however there is now some concern over likely future grants being awarded to local authorities, therefore indicative grant will not be included in the funding envelope until there is some clarity. The programme is currently balanced and remains within its current funding envelope, however, if costs increase significantly or new expansions are identified (in addition to those currently expected) it is likely that there will be a funding shortfall. Remaining expansions within the current plan which are not yet approved will be continuously monitored in order to ensure schemes being worked up can remain within the available and confirmed funding.

The capital programme will be amended accordingly.  
Advice provided by Tina Adams (Capital and taxation Manager) on 23/02/2016.

If the proposal to expand Fernwood Primary were approved, the Local Authority would fund the school for an additional class each year from the Pupil Growth Contingency Fund until the school is full (i.e. for the next six years). This funding would cover the period September to March of each year. Once the additional pupils were accounted for on the October Autumn Census after the September they were admitted, they would then be funded in the following financial year through the local funding formula.

The School Organisation Team will allocate funding to the school based on the eligibility criteria approved by Schools Forum.

**Funding Criteria Values**

- Teacher M3 (7/12ths) £17,824
- Teaching Assistant Pt 22 (7/12ths) £14,242
- Middy Supervisor Pt 8 (7/12ths) £2,150
- Classroom set up costs per class Up to £8,000
- Utilities (7/12ths) based on £150 per pupil per year £2,625

The staffing and ancillary costs will be for the seven months (7/12ths) to cover the months between when additional pupils join the school in September and when the increased numbers are recognised in the budget the following year.

The Reception bulge class admitted in September 2015 was funded from the Dedicated Schools Grant Pupil Growth Contingency Fund £0.047m.

**As stated above the funding to meet the cost of the expansion of Fernwood Primary has been set aside within the Basic Needs Grant. However, the ongoing maintenance costs of building would have to be met from the schools budget.**

**Julia Holmes - Advice provided by Julia Elizabeth Holmes (Finance Analyst) on 24/02/2016.**

**Procurement Advice:**

**There are no significant procurement concerns with this decision. The EMPA minor works framework agreement with GF Tomlinson Ltd provides a compliant and value for money option to undertake the construction works. Advice provided by Sue Oliver (Category Manager - Procurement) on 19/02/2016.**

**HR Advice:**

**There are no HR implications with this proposal. Advice provided by Leanne Sharp (Service Redesign Consultant) on 04/02/2016.**

**Equality and Diversity Advice:**

**There are no significant E&D issues with the proposal. Advice provided by Adisa Djan (Equalities and Diversity Consultant) on 02/03/2016.**

**Property Advice:**

**This decision has no property implications as the freehold owner of the site subject to obtaining the statutory consents including if necessary Sports England. Advice provided by Peter Taylor (Senior Surveyor) on 23/02/2016.**

**Signatures**

**Sam Webster (Portfolio Holder for Schools)**

**SIGNED and Dated: 08/03/2016**

**Alison Michalska (Corporate Director for Children and Adults)**

**SIGNED and Dated: 03/03/2016**



## Equality Impact Assessment Form (Page 1 of 2)

**Title of EIA/ DDM: Fernwood Primary School Expansion works**

**Department: Children and Adults**

**Service Area: Major Projects  
(underline)**

**Author (assigned to Covalent): N/A**

**Name of Author: Caroline Butrymowicz**

**Director: Alison Michalska (Corporate Director)**

**Strategic Budget EIA Y/N (please**

**Brief description of proposal / policy / service being assessed:**

There is a need to provide additional accommodation at Fernwood Primary school. There was a significant shortage of reception catchment places in Wollaton for 2015/16 and the shortage is set to remain for 2016/17 onwards.

**Information used to analyse the effects on equality:**

Experience of managing building programme of works for a number of years and consultation with schools and contractors. The brief to the contractor will ensure that it is clear that any options must be compliant with the Equality Act 2010 and that the impact on the local community is demonstrated. Discussions have taken place with school around the needs of staff, pupils and other users. These discussions will be ongoing throughout the duration of the project.

Page 17	Could particularly benefit <b>X</b>	May adversely impact <b>X</b>	How different groups could be affected (Summary of impacts)	Details of actions to reduce negative or increase positive impact (or why action isn't possible)
People from different ethnic groups.	<input type="checkbox"/>	<input type="checkbox"/>	All works will comply with the Equality Act 2010.  The main Contractor will be procured using the East Midlands Property Alliance (EMPA) framework that offers a compliant mechanism for procuring works	The Access Officer will be consulted as part of the design development process.  Contractors have Key Performance Indicators (KPIs) in place to ensure they monitor local spend and involvement with any Small to Medium Enterprises (SMEs). This information is monitored by SCAPE and reviewed by the City Council's procurement team.
Men	<input type="checkbox"/>	<input type="checkbox"/>		
Women	<input type="checkbox"/>	<input type="checkbox"/>		
Trans	<input type="checkbox"/>	<input type="checkbox"/>		
Disabled people or carers.	<input type="checkbox"/>	<input type="checkbox"/>		
Pregnancy/ Maternity	<input type="checkbox"/>	<input type="checkbox"/>		
People of different faiths/ beliefs and those with none.	<input type="checkbox"/>	<input type="checkbox"/>		
Lesbian, gay or bisexual people.	<input type="checkbox"/>	<input type="checkbox"/>		
Older	<input type="checkbox"/>	<input type="checkbox"/>		
Younger	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults).	<input type="checkbox"/>	<input type="checkbox"/>	All works will reflect the needs of the service users which are mainly young people.	Discussions with the school around the needs of staff, pupils and other users on site will take place throughout the duration of the project through regular meetings with the school's senior management team.

***Please underline the group(s)  
/issue more adversely affected  
or which benefits.***

**Outcome(s) of equality impact assessment:**

- No major change needed  •Adjust the policy/proposal  •Adverse impact but continue
- Stop and remove the policy/proposal

**Arrangements for future monitoring of equality impact of this proposal / policy / service:**

The works will be assessed for any impact on equality due construction and post completion by liaising with the contractor and school to ensure there have been no adverse impacts on any particularly group.

**Approved by (manager signature):**

Rob Caswell, Programme Manager

Tel: 0115 8763408

Email: robert.caswell@nottinghamcity.gov.uk

**Date sent to equality team for publishing:**

*Draft version sent 26/01/16*

Send document or link to:

equalityanddiversityteam@nottinghamcity.gov.uk

# Nottingham City Council

## Business Case

**Project Title: Fernwood Primary School Expansion Works – Creation of two additional infant classrooms**

**Lead Department: Major Projects**



Safer, cleaner, ambitious  
**Nottingham**  
A city we're all proud of



## DOCUMENT CONTROL

<b>BC Author</b>	Caroline Butrymowicz
<b>Project Sponsor (contact details)</b>	Nicholas Lee – Head of Access and Learning (87 64618)
<b>Project Manager (contact details)</b>	Caroline Butrymowicz – Project Manager, Major Programmes (87 63396)
<b>Date</b>	22 <sup>nd</sup> January 2016
<b>Document ID</b>	Fernwood Primary Expansion Business Case

<b>Version</b>	<b>Status</b>	<b>Revision Date</b>	<b>Summary of Changes</b>	<b>Sign-Off</b>
1	Draft	22/01/16	First Draft	CMB
2.	Final	02/02/16	Final	RC/CMB

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## 1.0 PURPOSE OF DOCUMENT

This document sets out the need, benefits and the justification for the addition of two infant classrooms to Fernwood Primary school.

## 2.0 EXECUTIVE SUMMARY

Increasing demand has been identified in the Wollaton area of the city for primary school places and Fernwood Primary School was over subscribed for September 2015. It was agreed that the school would take a bulge year in 2015 to provide the opportunity to formally consult on the expansion of the school from an 840 place primary to a 1050 place primary. This consultation has now commenced and approval has been granted to issue the Statutory Notices. The outcome of the consultation and the final decision will not be known until later in the year, however, there is still anticipated to be further need for places for September 2016, so there needs to be consideration of options for a further bulge year. At present there is no further capacity within the school and so a two classroom extension is being planned attached to the existing Key Stage 1 building. Previously there was approval for some early design work and minor modifications to the Key Stage 1 block it has now been identified that further capacity is required .

## 3.0 STRATEGIC FIT

### 3.1 Background of Business Need

The national shortage of primary school places has been reflected across the City and extra capacity has been added in many schools. The Wollaton area is experiencing significant primary school place pressure with a continued upward trend for pupil growth in the coming years. The factors that contribute to this are increased birth rate, inward migration and increased house sales and housing developments in the area. Fernwood is an outstanding school and is always over subscribed with waiting lists across the year groups. The significant new housing development currently being constructed will result in further demand for new places.

While the expansion of the school has yet to be approved there is a need to provide sufficient accommodation to allow a continued expansion of the school if the Statutory Notices are approved. It will also allow for a further bulge year that will be required to provide sufficient school places for in catchment children as a temporary measure in the event of the formal expansion not being approved.

### 3.2 Strategic Objectives and Outcomes

The City Council has a Statutory duty to provide sufficient school places. One of 5 key objectives of the new Council Plan setting out the Council's ambitions for the next four years is to ensure that every child in Nottingham is taught in a school that is judged good or outstanding by Ofsted. The expansion of Fernwood Primary School also supports the Council priorities of providing access to a good school close to home for every young person in Nottingham and to guarantee a choice of places for every child at a local primary school.

Parents / carers quite rightly expect their children to be offered a local school place in their catchment area and the case for expanding a school which delivers a quality provision in an area where there are insufficient school places is a strong one. It is the duty and the desire of both the Council and the school to maximise opportunities to deliver a quality education to the community.

The provision of this additional capacity is the first stage in the potential expansion of Fernwood Primary School from its current capacity of 840 to a potential capacity of 1050. The provision of two new classrooms will allow the school to take a further 30 children in September 2016 and meet the catchment demand.

### 3.3 Scope and option appraisal

The proposal is to build two additional classrooms and to provide some breakout space and associated toilets adjoining the existing Key stage 1 building. If the formal proposal to expand Fernwood Primary school is agreed later in the year there will need to be further building works to the Key stage 2 building which consist of a further four classrooms and associated space to meet the full expansion of the primary school from 840 places to 1050 places.

The school are very supportive of the proposals to provide the two additional classrooms. Several meetings have been held with the school and various design options have been discussed

An option to provide a new block of 7 classrooms was considered in the early days of the project but it was discounted as it would mean that one class in each year group would have no connection with the rest of the year group. Educational it makes more sense to locate all the classes in the same year group adjacent as to allow them to share resources.

### 3.4 Constraints

The two additional classrooms are required for September 2016 to enable pupils to be admitted to the school. The school will need to function with building works on site. The Project Team will work closely with the Senior Management Team of the school to ensure that all works and operations are managed and supervised accordingly. The day to day running of the school will not be adversely affected.

### 3.5 Dependencies

The project contributes towards the Council Plan 2015-2019 as it meets the one of the Council's key objectives in ensuring that every child is taught in a school that is judged good or outstanding by Ofsted. It also supports the Council priority of providing access to a good school close to home for every young person in Nottingham.

### 3.6 Key Risks

The key risks are:

Risk No.	Risk	Mitigation
1.	The project cannot be delivered within the allocated budget.	Early costings have demonstrated that the project is deliverable within the indicative amount allocated.
2.	Risks to the project budget are not understood and the project cost may increase beyond the agreed budget.	Surveys to be undertaken to the site to confirm costs. Early discussions to take place with the successful contractor to ensure design is efficient and any savings are made.
3.	The risk that planning is not agreed due to the need to take up green space for the two new classrooms.	Engagement has already taken place with 'Sport England'. They are in support of the option.
4.	That the two classroom extension can't be delivered within the programme constraints.	There will be continued dialogue with the design team and the contractor. Which will flag up the concerns to the school and the project team will look to provide the most effective overall solution.

### 3.7 Benefits

The benefits of this project are:

- The meeting of one of the 5 key objectives of the new Council Plan which sets out the Council's ambitions for the next four years which is to ensure that every



child in Nottingham is taught in a school that is judged good or outstanding by Ofsted. Fernwood Primary school is a recent amalgamation of Fernwood Infant and Junior schools both when last inspected by Ofsted were rated as outstanding.

- The proposal supports the Council's priorities of providing access to a good school close to home for every young person. There is presently a demand for places within the catchment area of Fernwood Primary. Expansion of a popular and successful school, Fernwood primary school is over subscribed.
- Creation of quality teaching and learning space this will be measured by agreeing that the new spaces are suitable in conjunction with the Head Teacher.
- Provision of energy efficient solutions for additional classrooms within the building. This will be measured based on the change of usage of both gas and electric over a period being proportionately lower than the overall area of the buildings increase.

## 4.0 FINANCE

### Budget position

The scheme is presently in design and there have been some early cost estimates of the building works for this first phase of the expansion. It is anticipated that this work will cost £0.750 million and that the second phase of a four classroom extension adjacent to the Keystage 2 building will cost a further £1.250 million if it is approved later. Overall an allowance of £2.000 million has been made in the capital programme to procure the works. This funding requirement will come from the Basic Need grant provided by the Education Funding Agency.

	<b>Funding</b>
	£ million
Expansion of Key stage 1 building (included in this Business Case).	0.750
Expansion of Key Stage 2 building (not considered in this Business Case and subject to a separate business case at a later date).	1.250
<b>Total overall funding</b>	<b>2.0000</b>

### **Other budget issues**

The school will be entitled to an additional £8,000 per additional classroom to cover furniture and fittings and ICT requirements.

## **5.0 PROCUREMENT**

The procurement route has been considered. Two options were reviewed, going out to the market place with a full set of tender documents or using an appropriate contractor off the East Midlands Property Alliance (EMPA) framework. Given the constraints of the programme, the requirement to hand the first two classrooms over for September 2016, it was felt that the most effective route to market would be to procure the contractor off the EMPA framework. The appropriate contractor is GF Tomlinson Group, who has completed a number of similar size projects in the last few years.

The design has been procured in house from Design Services, although they will be supported by specialist designers for aspects of the design. Design Services have previously been involved in the scheme to create a nursery on the school site and are therefore, aware of the school constraints and expectations.

## **6.0 DELIVERY**

The project will be managed by the Major Projects team and Design Services on behalf of School Reorganisation team. The team have considerable experience in delivering schemes of this nature particularly in the last five years where a significant number of schools have been expanded. There is already an effectively working relationship on site with the school that has been developed during the previous scheme completed in January 2016 to provide a nursery for the school.

As the scheme develops a project plan will be produced and will set out how the project will be delivered and the key milestones that need to be achieved.

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**Nottingham City Council**  
**Executive Decision Call-In Request Form**

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This form should be submitted to the Head of Democratic Services, Legal and Democratic Services, Resources by midnight on the fifth working day after the decision publication date. The signed form should be submitted in original hard copy. If the form is being submitted after the office has closed on the fifth working day, it should be signed, scanned and emailed to *all* of the following individuals:

Head of Democratic Services  
debra.lamola@nottinghamcity.gov.uk  
Senior Governance Officers  
kim.pocock@nottinghamcity.gov.uk  
rav.kalsi@nottinghamcity.gov.uk

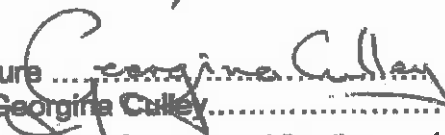
The original hard copy of the form must then be provided to the Head of Democratic Services on the following morning.

For further information about the call-in procedure please see the Overview and Scrutiny Guide to Call-In and/ or contact the Senior Governance Officers on 0115 8764313 or 0115 8763759.

Date of decision publication:	8 <sup>th</sup> March 2016	.....
Portfolio Holder Decision reference number:	2370	.....
<u>or</u> Executive Board minute number:		.....
<u>or</u> Executive Board Sub Committee minute number:		.....
<u>or</u> Area Committee minute number:		.....
<u>or</u> Officer Decision reference number:		.....
Description of decision: Approval of the allocation of funding for the provision of additional accommodation at Fernwood Primary School for September 2016		

The following signatories request that the above decision be called in.

1. Signature  ..... Print name  
Councillor Jim Armstrong.....

2. Signature  ..... Print name  
Councillor Georgina Culley.....

3. Signature ..... Print name .....

**Reason for requesting the decision be called in**

The request for call-in must be based on one or more of the following reasons below. [Tick the appropriate box or boxes and provide details for the reason, appending additional sheets if necessary]

<b><u>Reason for requesting call-in:</u></b>	
a) The decision is outside the budget/ policy framework	

<b><u>Reason for requesting call-in:</u></b>	
b) Inadequate consultation relating to the decision	X
<p>The Business Case update and final version dated 2<sup>nd</sup> February 2016 states that "the expansion of the school has yet to be approved" "Consultation has now commenced ... The outcome of the consultation and the final decision will not be known until later in the year ..."</p> <p>A report to the Executive Board on 22<sup>nd</sup> December 2015 indicated that 57 per cent of those who took part in consultation between 21<sup>st</sup> September and 18<sup>th</sup> October 2015 did not agree with increasing the capacity of the school.</p>	

<b><u>Reason for requesting call-in:</u></b>	
c) Relevant information not considered	X
<p>The impact of the increased capacity on the surrounding area in terms of traffic flow and parking provision is not addressed in either the business plan or Delegated Decision.</p>	

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<b>Reason for requesting call-in:</b> d) Viable alternatives not considered	<b>X</b>
The building of an additional school in Wollaton to increase provision in the area.	

<b>Reason for requesting call-in:</b> e) Justification for the decision open to challenge on the basis of evidence considered	<b>X</b>
The Business Case states if the formal proposal to expand Fernwood Primary School is agreed "there will need to be further building works to the Key Stage 2 building which consist of a further four classrooms and associated space." It is not made clear in the Delegated Decision form, which advises building two new classrooms, how many further classrooms will be built.	

**Suggestions for Call In Panel meeting**

If the call in request is valid a meeting of the Call In Panel will be held. Please list below any evidence and/ or contributors that you think should be made available to the Call In Panel.

[Please note that these will be considered as suggestions only and the final decision on evidence and contributors will be made by the Chair of the Call In Panel.]

<b><u>Suggested list of evidence to be provided/ contributors to attend the Call In Panel meeting</u></b>  To be advised
--

**For office use only:**

Received on behalf of the Head of Democratic Services by:

*[Signature]*

(signature)

Name: *RAV KALSI*

Date: *15/03/2016*

Time: *17.45*

**Validation Check:**

**Head of Democratic Services**

Date of publication: *8/3/16* Date of call-in: *15/3/16* In time: ~~YES~~ / ~~NO~~

Office checks that call-in is valid against requirements as set out in the Constitution: ~~YES~~ / ~~NO~~

Reason:

*See details page 5 of this form.\**

Completed by: *Debra La Mola* (signature)

*DEBRA LA MOLA* (name)

Date: *17/3/16*

Time: *10.39*

**Validation Check: (if necessary)**

**Director of Legal and Democratic Services**

Valid:  YES / ~~NO~~

Reason: *As per the reasons set out by the Head of Democratic Services*

Completed by: *Sarah Molyneux* (signature)

*SARAH MOLYNEUX* (name)



Date: 18-3-16.

Time: 9.02am

**Referrals:**

Date copied to Corporate Director / Portfolio Holder

18/03/2016

Name of Corporate Director

Alison Michalska

Name of Portfolio Holder

Sam Webster

Date copied to Chair of Overview and Scrutiny Committee:

18/03/2016

\* The request for call-in is valid in respect of grounds (c) and (d) only.

Ground (b) - 'Inadequate consultation relating to the decision' - is not valid as the details relate to the consultation process in respect of a decision yet to be taken by the Executive Board on 22 March 2016.

Ground (e) - 'Justification for the decision open to challenge on the basis of the evidence considered' - is not valid. The detail quoted in ground (e) about the formal expansion process and the additional 4 classrooms and associated space in the key stage 2 building at Fernwood Primary School is drawn from the business case which is referenced in, and forms a part of Decision 2370 as a briefing note submitted to the Decision Taker for the purposes of considering the decision so it is incorrect to state that it is not made clear in the delegated decision how many further classrooms will be built. The business case is in fact very specific on this point about future additional classrooms and this proposal is the subject of a future decision to be considered by Executive Board on 22 March 2016.



<b>OVERVIEW AND SCRUTINY – CALL IN PANEL</b>
<b>30 MARCH 2016</b>
<b>CONSIDERATION OF CALL-IN REQUEST REGARDING DELEGATED DECISION 2370 – APPROVAL OF THE ALLOCATION OF FUNDING FOR THE PROVISION OF ADDITIIONAL ACCOMMODATION AT FERNWOOD PRIMARY SCHOOL FOR SEPTEMBER 2016</b>
<b>REPORT OF HEAD OF DEMOCRATIC SERVICES</b>

**1. Purpose**

To consider the call-in request relating to Delegated Decision 2370 – Approval of the allocation of funding for the provision of additional accommodation at Fernwood Primary School for September 2016.

**2. Action required**

2.1 The Committee is asked to:

- a) **consider the information provided in relation to Delegated Decision 2370 and the reasons given for requesting a call-in of that decision and use that information to inform questioning and discussion;**
- b) **focusing on the reasons for the call-in as given in the call-in request form, and based on the evidence from the Portfolio Holder, his supporting colleague(s), and the councillors who requested the call-in, decide to either:**
  - i) **require that the decision is reconsidered, and make recommendation(s) as to what should be taken into consideration;**  
**or**
  - ii) **agree that the decision does not need to be reconsidered and can be implemented.**

**3. Background information**

3.1 The Delegated Decision 2370 was published on 8 March 2016. Councillor Sam Webster, as the decision-taker, supported by Nick Lee, Head of Access and Learning and Robert Caswell, Programme Manager as relevant colleagues, have been invited to attend the meeting to outline details of, and reasons for the decisions and answer questions from the Panel regarding this.

3.2 The call-in request form was signed by Councillors Jim Armstrong and Georgina Culley. These councillors have been invited to attend the meeting to outline the reasons for requesting the call-in and to answer questions from the Panel regarding this.

3.3 Focusing on the valid reasons for the call-in as given in the call-in request form, and based on the evidence from the Portfolio Holder, supporting colleagues,

and the councillors who requested the call-in, the Panel needs to decide to either:

- a) require that the decisions are reconsidered, and make recommendation(s) as to what should be taken into consideration; or
- b) agree that the decision does not need to be reconsidered and can be implemented.

In both cases, the Panel needs to provide reasons for its decision.

3.4 If the Panel agrees that the decision should be reconsidered it can:

- a) refer the decisions back to the Portfolio Holder for reconsideration; or
- b) refer the decisions to full Council if it feels that the decision made is contrary to the Council's policy and/or budgetary framework.

3.5 In addition, the Panel can make other relevant recommendations which will be referred to the relevant Portfolio Holder, or the Executive Board for response.

#### **4. List of attached information**

4.1 Appendix 1 - Report of the Corporate Director for Children and Adults – additional information in response to the points raised in the Call-in Request Form.

#### **5. Background papers, other than published works or those disclosing exempt or confidential information**

None

#### **6. Published documents referred to in compiling this report**

6.1 Delegated Decision 2370 – Approval of the allocation of funding for the provision of additional accommodation at Fernwood Primary School for September 2016.

#### **7. Wards affected**

Wollaton West

#### **8. Contact information**

Rav Kalsi  
Senior Governance Officer  
[rav.kasli@nottinghamcity.gov.uk](mailto:rav.kasli@nottinghamcity.gov.uk)  
0115 87 63759

<b>OVERVIEW AND SCRUTINY COMMITTEE – CALL IN PANEL</b>
<b>30 MARCH 2016</b>
<b>APPROVAL OF THE ALLOCATION OF FUNDING FOR THE PROVISION OF ADDITIONAL ACCOMMODATION AT FERNWOOD PRIMARY SCHOOL FOR SEPTEMBER 2016</b>
<b>REPORT OF CORPORATE DIRECTOR FOR CHILDREN AND ADULTS</b>

**1. Purpose**

- 1.1 To consider the Justifications as contained within the Executive Decision Call-In Request Form with respect of the allocation of funding for the provision of additional accommodation at Fernwood Primary School for September 2016.

**2. Action required**

- 2.1 This report is for clarification purposes.

**3. Background information**

- 3.1 The national shortage of primary school places has been reflected across the City and extra capacity has been added in many schools. In the Wollaton area there is a continued upward trend of pupil growth in the coming years due to an increased birth rate, the continuing popularity of the area particularly with families moving into the area and new housing developments. There was a significant shortage of reception catchment places in Wollaton for 2015/16 and the shortage is set to remain for 2016/17 onwards.
- 3.2 Consultation on the proposal to expand the school from 840 to 1050 places ran from 21 September to 18 October 2015, with parents, carers, staff and governors. The local Ward Councillors were also briefed in advance of this on 15 September 2015 and provided with the dates of the various consultation events. Ahead of this permanent expansion (subject to consultation) the Governing Body at the school agreed to accommodate a bulge year of 30 pupils for 2015/16. In order to accommodate these pupils the space used for breakfast club was converted into a classroom (DD 2184). The continued demand for catchment places within the reception age is explained and evidenced by colleagues in School Organisation Team in DD 2164.
- 3.3 For ease of reference, this report addresses the matters raised under the sub-sections 'Reason for requesting call-in' as contained within the Call-In report which are shown detailed below.

Reason for requesting Call-in

**c) Relevant information not considered**

*“The impact of the increased capacity on the surrounding area in terms of traffic flow and parking provision is not addressed in either the business plan or Delegated Decision.”*

**d) Viable alternatives not considered**

*“The building of an additional school in Wollaton to increase provision in the area”.*

Relevant information not considered

- 3.4 This DDM is to request approval to allocate funding for the provision of two additional KS1 classrooms. Fernwood Primary already admitted a bulge year of 30 extra pupils in Sept 2015, who were accommodated in existing space within the school. For Sept 2015 admissions, there were an additional 18 on time catchment applications. If the school had not helpfully admitted an additional 30 pupils, these catchment children would have been refused admission to the school. The school support the need to take a further bulge year (30 extra pupils) this Sept 2016 to meet the need of the local catchment, however, there is no available classroom space to accommodate them, without provision of additional classrooms.
- 3.5 The DDM (to allocate funding for the provision of additional KS1 classrooms) has been submitted ahead of the Exec Board report on 22<sup>nd</sup> March. The reason being that, regardless of whether a permanent expansion is agreed or not, additional classroom space will still be required to accommodate the extra class joining in September, as the school have no remaining space. The timescale for this work programme is particularly tight in order to make provision for this September 16. If the building contractor does not commence on site by 4<sup>th</sup> April, completing the build in the required timescale is looking doubtful. The implications of this are significant for the school and the children and families they serve, in that there will be nowhere to accommodate the children joining in September.
- 3.6 The impact of the increased pupil numbers on traffic management has been raised and explored during the consultation process for the proposal to permanently expand the school, as this would involve a gradual increase of 210 pupils over the course of the 7 year period.
- 3.7 As detailed in the Executive Board report dated 22 Dec 2015, we are acutely aware of the traffic management concerns, which was one of the main themes raised during the consultation process on the proposal to permanently expand the school. The Exec Board report highlighted how the Council needs to balance such objections against

the long term need for school places, both for current and future pupils. A commitment was made that the traffic concerns will be considered in terms of prioritising any mitigating actions that are required to make the proposal work for all pupils, if it is approved. Although the proposal for permanent expansion has not yet been approved (being considered at Exec Board 22 March 15), work has already been happening to consider and address the impact of increased pupil numbers on traffic flow and parking. This is not an issue which is being ignored. We are making every effort to work with the school, Traffic Management, the Police and other relevant stakeholders, to assess and address any impact if required, exploring the viability of potential measures to mitigate any impact.

- 3.8 A “Week of Action” to raise awareness, to encourage responsible parking and driving and address traffic management issues is arranged for 25<sup>th</sup>-29<sup>th</sup> April, with the full support of the school
- 3.9 A pre-meet to organise the “Week of Action” took place on 22<sup>nd</sup> March, with a range of stakeholders, including the Ward Councillors for the area, the School, Police Community Support Officers, Traffic Management colleagues and School Organisation This was a positive and productive meeting to support and promote changes with the prime focus of making it safer for children travelling to school. Engagement will also take place with local residents during the “Week of Action.”
- 3.10 The School’s Travel Plan is being reviewed and updated, to raise awareness, reflect the issues and any solutions which are identified throughout this process.
- 3.11 A traffic assessment by an independent company is also undertaken as a legal requirement of the planning permission process. Any recommendations arising from this will be considered in conjunction with any other evidence of measures required to mitigate the impact of growing pupil numbers, which are already being explored, as above.

#### Viable alternatives not considered

- 3.12 The specific DDM in question, requests funding for the building of two KS1 classrooms by September 2016. The school are needing to admit another bulge year this Sept 16 for the second year running, otherwise there will be insufficient places for some children in the catchment area. Regardless of whether a permanent expansion is agreed or not, an additional classroom will still be required to accommodate the extra class joining in September, as the school have no remaining space. The alternative to building extra classroom space to accommodate an additional 30 children in Sept 16, would be to prevent the school from increasing capacity and therefore failing to address the school place need of the local catchment (as covered in the DDM ‘other options considered’).

- 3.13 Paragraph 3 of the EB report dated 22 Dec 15, which proposed a permanent expansion of the school, detailed the 'other options considered in making the recommendations.' It explains the other options considered and why they were not viable. The building of a new free school was considered as an option, as stated. This was not considered viable as, having explored the possibility of alternative sites, no suitable site is available.
- 3.14 Middleton Primary School also had to admit some additional children (10) in September 2015, otherwise there would have been insufficient places for children in their catchment. Discussions and feasibility work are still progressing with Middleton primary with regards to a permanent expansion, but are not yet advanced to a firm proposal.
- 3.15 Projections data and intelligence supports the rationale for two additional forms of entry in Wollaton. So regardless of whether the proposal to expand Fernwood Primary is agreed or not, we still require another viable solution to increase places in the area.

**4. List of attached information**

- 4.1 None.

**5. Background papers, other than published works or those disclosing exempt or confidential information**

- 5.1 None.

**6. Published documents referred to in compiling this report**

- 6.1 Portfolio Holder decision to commence consultation:  
[http://resmodw2k121/ieDecisionDetails.aspx?ID=3409&\\$LO\\$=1](http://resmodw2k121/ieDecisionDetails.aspx?ID=3409&$LO$=1)
- 6.2 Portfolio Holder decision 2184 – Early Works including design development to allow Fernwood Infant and Junior to expand.  
<http://committee.nottinghamcity.gov.uk/ieDecisionDetails.aspx?ID=3430>
- 6.3 Executive Board report – 'Proposed expansion of Fernwood Primary School, Wollaton', 22 December 2015
- 6.4 Executive Board report - 'Proposed expansion of Fernwood Primary School, Wollaton', 22 March 2016

**7. Wards affected**

- 7.1 Wollaton West.



**8. Contact information**

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