

# **Merton Council**

## **Children and Young People Overview and Scrutiny Panel**

**29 June 2016**

### **Supplementary agenda**

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## **Committee: Children and Young People Overview and Scrutiny Panel**

**Date: 29 June 2016**

Wards: Borough wide implications

Subject: **Harris Wimbledon Secondary School – Required Site Approvals**

Lead officers: Yvette Stanley – Director of Children, Schools and Families  
Chris Lee – Director of Environment and Regeneration

Lead members: Caroline Cooper-Marbiah – Cabinet member for Education  
Mark Allison Deputy Leader and Cabinet Member for Finance

Contact officers: Tom Procter – Head of Contracts and School Organisation  
Paul Ballatt – Assistant Director, Commissioning, Strategy and Performance  
James McGinley - Head of Sustainable Communities

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### **Recommendations:**

- A. For the Scrutiny Panel to consider and comment on the attached Cabinet report as part of the pre-decision scrutiny process.
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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. The subject of this report is the site assembly to provide for a new secondary school in Wimbledon - Harris Wimbledon. The confidential report is provided to Children and Young People Overview and Scrutiny Panel to enable the panel to provide comments as part of the pre-decision scrutiny process, prior to the report being considered by Cabinet on 4 July 2016.
- 1.2. This report provides all elements of the report that can be on non-confidential 'white' paper.

## **2 DETAILS**

### **Executive summary of Cabinet Paper (on white paper)**

- 2.1. The requirement for a site for a new secondary school has been established for some time, with council reports to 11 November 2013 Cabinet, 15 October 2014 Children and Young People Overview and Scrutiny Panel, 8 June 2015 Cabinet and 18 January 2016 Cabinet.
- 2.2. Since the Secretary of State's approval of Harris Wimbledon as a Free School, officers have been working closely with the EFA to identify a suitable site.
- 2.3. Officers are now in a position to request Cabinet on 4 July 2016 for financial authority to purchase the required sites in South Wimbledon with related property transactions, with the final details to be agreed by the Director of Environment and Regeneration. For commercial reasons the sites need to remain confidential until heads of terms are formally agreed.

- 2.4. Once terms are formally agreed it will take some time for the site to be cleared so it is envisaged construction will not commence until summer/early autumn 2017 at the earliest and the permanent school will therefore not be completed until summer 2019 at the earliest.
- 2.5. In view of the significant need for additional school places by at least September 2018 a temporary site is required to provide for the first two cohorts of pupils.
- 2.6. The Whatley Avenue Adult Education centre is a former small high and middle school, and will be surplus to council requirements in August 2016. It has sufficient capacity for about 360 pupils, and as the new school will only be filling by 180 pupils per year Whatley Avenue could provide a temporary school for a maximum of two years. These pupils would be in school years 7 and 8; aged 11-12 and 12-13.
- 2.7. It is therefore proposed this building is used as a temporary school for the Harris Federation for up to two academic years, and a short term lease at a peppercorn rent should be provided for this purpose before reverting back to the council. The adaptation costs and the costs for the security of the building from September 2016 would be met in full by the EFA.

### **3 ALTERNATIVE OPTIONS**

- 3.1. Details in the confidential Cabinet report.

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1. Details in the confidential Cabinet report.

### **5 TIMETABLE**

- 5.1. The pre-opening approval from the Secretary of State is for the school to open in September 2017. For the council, the essential requirement is that the school must open to year 7 places by September 2018
- 5.2. The timetable is therefore for Whatley Avenue to be used as a temporary site for either the two academic years 2017/18 and 2018/19 or 2018/19 and 2019/20 for the new school site to be ready for either September 2019 or September 2020.

### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. Details in the confidential Cabinet report

### **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. The council has a duty under section 14 of the Education Act 1996 to secure that sufficient schools for providing primary and secondary education are available for its area. The Act provides that schools available for an area shall not be regarded as sufficient unless they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. The local authority must exercise its functions under

section 14 with a view to securing diversity in the provision of schools, and increasing opportunities for parental choice.

- 7.2. There is a statutory presumption that new publicly-funded schools should be academies. The DfE has confirmed that all new provision academies are now classified as “free schools”. Under section 6A of the Education and Inspections Act 2006, if the council thinks that a new school needs to be established in its area, it must seek proposals for the establishment of an academy (free school) and specify a date by which proposals must be submitted. In considering the need for a new school, the council can take account of any other free school projects that the DfE has approved and are due to open.
- 7.3. The council has power to acquire land by agreement for the purpose of a school which is to be maintained by a local authority or which the authority has power to assist, under section 531 of the Education Act 1996 and section 120 of the Local Government Act 1972. The Secretary of State may authorise a local authority to purchase compulsorily any land required for the purpose of an academy ( whether established or to be established) under section 530 of the Education Act 1996.
- 7.4. The council may assist an academy (including a free school) under section 6 of the Academies Act 2010.
- 7.5. Section 123 of the Local Government Act allows a local authority to dispose of land in manner they wish provided they obtain the best consideration reasonably obtainable. A disposal includes a lease of seven years or more
- 7.6. Further details in the confidential Cabinet report. .

## **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. Details in the confidential Cabinet report .

## **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. None specific

## **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1. Details in the confidential Cabinet report.

## **11 APPENDICES – CONFIDENTIAL CABINET REPORT**

## **12 BACKGROUND PAPERS**

- 12.1. Previous council reports on secondary school expansion:
  - 11 November 2013 Cabinet
  - 15 October 2014 Children and Young People Overview and Scrutiny Panel
  - 8 June 2015 Cabinet
  - 18 January 2016 Cabinet

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