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**Decision Maker:** CHILDREN, EDUCATION AND FAMILIES PDS COMMITTEE

**Date:** Tuesday 9 November 2021

**Decision Type:** Non-Urgent                      Non-Executive                      Non-Key

**Title:** CALL-IN: HARRIS KENT HOUSE FREE SCHOOL INCLUDING ASSOCIATED PROPERTY TRANSACTION

**Contact Officer:** Graham Walton, Democratic Services Manager  
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**Chief Officer:** Tasnim Shawkat, Director of Corporate Services and Governance

**Ward:** Penge and Cator;

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1. Reason for report

- 1.1 On 22<sup>nd</sup> September 2022, the Executive approved the recommendations made in a report on the Harris Kent House Free School.
- 1.2 The decision has been called in by Councillors Simon Jeal, Angela Wilkins, Josh King, Kathy Bance, Ian Dunn and Vanessa Allen. This Committee is requested to consider what action should be taken in response to the call-in of this decision; the options are to refer the decision back to the Executive for re-consideration, or to take no further action on the call-in, in which case the decision stands and can be implemented without any further delay.

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2. **RECOMMENDATION**

The Committee is recommended to agree one of the following options in response to the call-in:

- (i) to take no further action on the call-in;
- (ii) to refer the decision back to the Executive giving reasons why it should be reconsidered.

### Impact on Vulnerable Adults and Children

1. Summary of Impact: The proposals will benefit children and families in the Penge area.
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### Corporate Policy

1. Policy Status: Existing Policy
  2. BBB Priority: Children and Young People
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### Financial

1. Cost of proposal: Not Applicable
  2. Ongoing costs: Not Applicable
  3. Budget head/performance centre: Education Capital Programme
  4. Total current budget for this head: Not Applicable
  5. Source of funding: DfE School Capital Allocation (SCA)
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### Personnel

1. Number of staff (current and additional): Not Applicable
  2. If from existing staff resources, number of staff hours: Not Applicable
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### Legal

1. Legal Requirement: Statutory Requirement
  2. Call-in: Not Applicable
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### Procurement

1. Summary of Procurement Implications: Not Applicable
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Not Applicable
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: See attached report.

### 3. COMMENTARY

- 3.1 At this Committee's meeting on 14<sup>th</sup> September 2021 Members conducted pre-decision scrutiny on a part 2 report entitled "Harris Kent House Free School including Associated Property Transaction." Members supported the recommendations in the report, but there was some concern that the report did not need to be in part 2 and should have been considered in part 1. In response, a part 1 summary version of the report, with part 2 material excluded, was circulated on 16<sup>th</sup> September 2021 prior to the issue being considered by the Executive. The Executive considered part 1 and part 2 versions of the report at its meeting on 22 September 2021 and decided to approve the recommendations.
- 3.2 The Executive's minutes were published on 7<sup>th</sup> October 2021 and the decision was called in by Councillors Simon Jeal, Angela Wilkins, Josh King, Kathy Bance, Ian Dunn and Vanessa Allen on 13<sup>th</sup> October 2021. The reason for the call-in is set out below -

Summary of reasons for call in:

*Lack of scrutiny & transparency- insufficient opportunity for local residents and interested parties to view and comment on the proposals.*

Lack of opportunity for public scrutiny and comment

*No public consultation regarding plans for the secondary school on the Kentwood site took place as part of the Department of Education approval process or subsequently, the plans for a secondary school and sixth form are significantly larger compared to references to the site in the local plan, as part of which significant concerns were raised with the size of the site to accommodate the school.*

*As only part 2 papers were published, no committee papers were available to the public until after Education & Children's PDS had met and at the Chief Executive's direction, a public paper with details of the plans was published on the evening of Thursday 16<sup>th</sup> September.*

This Committee is requested to consider what action should be taken in response to the call-in of this decision.

- 3.3 The two options before a PDS Committee when considering a call-in are –

- (i) to take no further action on the call-in (in which case the decision may be implemented); or
- (ii) to refer the decision to the Executive giving reasons why it should be re-considered.

In exceptional circumstances, a decision may be referred to full Council for full Council to consider whether to refer it to the Executive, but only where the Committee believes, on appropriate officer advice, that there is an intention by the Executive to take action that is contrary to law or the policy and budget framework of the Council. This does not apply in this case.

- 3.4 Members are requested to note that some of the information relating to this matter is exempt from publication under paragraph 3 of Schedule 12A of the Local Government Act 1972 - this should not be discussed in public.

#### 4. Appendices

Appendix 1: Part 1 minutes of the Executive on 22 September 2021

Appendix 2: Part 1 report to the Executive on 22 September 2021

The following appendices are attached in part 2 for Member's information, but are not for publication.

Appendix 3: Part 2 minutes of the Executive on 22 September 2021

Appendix 4: Part 2 report to the Executive on 22 September 2021

Members may also want to consider the minutes from this Committee's meeting on 14<sup>th</sup> September 2021, attached elsewhere on this agenda.

<b>Non-Applicable Sections:</b>	Impact on vulnerable adults and children/Policy/Financial/Personnel/Legal/Procurement
Background Documents: (Access via Contact Officer)	None

Extract from the minutes of the Executive meeting on 22 September 2021

**296 HARRIS KENT HOUSE FREE SCHOOL INCLUDING  
ASSOCIATED PROPERTY TRANSACTION**  
Report CEF21038

Harris Kent House had been approved as a new secondary school, entering the Department for Education's Free School programme in Wave 12. The new school would be constructed on the Kentwood site in Penge. In addition to the new secondary school, the project would involve provision of new accommodation for the existing Harris Primary Academy Kent House and the Council's Adult Education and Adult Social Care operations on the site. The Department for Education would act as developer for the Council in constructing new-build Adult Education and Adult Social Care premises, and new leases would need to be provided to the Free School and existing Harris Primary Academy Kent House. The report recommended that the Council enter into a number of agreements with the Department for Education and the Harris Federation – further details were set out in a part 2 report.

Councillor Angela Wilkins recognised that there was a need for the additional school places in the area, but set out concerns about the size of the buildings needed to accommodate the various facilities on the site in relation to the size of the site, the proposal that the new school should be for boys only and the priority given to feeder schools in the Harris admissions criteria. She called for more information to be available and for wider public consultation.

**RESOLVED that**

**(1) The progress of the Harris Kent House Free School Project which will provide a new secondary school and new accommodation for Harris Primary Academy Kent House and the Council's Adult Education and Adult Social Care facilities be noted.**

**(2) The progress in conversations with the Harris Federation about the organisation of the new school and relationship with Harris Bromley to ensure Harris Kent House meets the Council's future need for school places be noted.**

**(3) That authority be agreed -**

- To enter into negotiations for the relevant Heads of Terms ("HOTS") the current versions of which are attached to the Part 2 report.**
- To delegate authority to the Director of Education in consultation with the Director of Corporate Services, the Director of Finance and the Portfolio Holder for Children, Education and Families to finalise the HOTS, and enter into ancillary legal agreements relating thereto with the Department for Education and Harris Federation (subject to the HOTS being agreed.)**