

## Report to Scrutiny

Item Number: **7**

<b>Contains Confidential or Exempt Information</b>	No
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<b>Subject of Report:</b>	Community Use of School Premises
<b>Meeting:</b>	Scrutiny Review Panel 2 – Community Centres Thursday 26 November 2015
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<b>Cabinet Responsibility:</b>	CLr Binda Rai - Cabinet Member Children and Young People
<b>Director Responsibility:</b>	Judith Finlay - Executive Director Children and Adults
<b>Brief:</b>	This report informs the panel of schools in the borough providing dual use community facilities and explores how the council can support the provision and extended use of community facilities within schools through its planning policies.
<b>Recommendations:</b>	To consider the report and make recommendations, where appropriate, for inclusion in the panel's final report.

## 1. Community Use of School Premises

Ealing currently has 95 state-run schools and nurseries. These are divided into several types of schools and a brief description of these types is included in the below table.

School Type	Brief description
Community schools	Running costs are directly funded by the Council. The Council owns community school sites and all community school staff are Council employees.
Voluntary-aided and Foundation Schools	The Council funds the school's running costs but the school's land is generally owned by the governing body, a Trust or religious group (e.g. Diocese). School staff are employed by the governing body.
Academies / Free Schools	Independently-managed, all-ability schools which operate outside the control of the Council. The school's running costs are met directly by the Department for Education and the governing body employs the staff.

A full list of all schools and their type is included at **appendix 1**.

The Council encourages all schools, regardless of their type, to offer extended use of school buildings/facilities to the community. However, the Council does not centrally manage or coordinate community use activity in schools and so it is not possible to provide accurate data to the panel on the level of community use offered by all schools across the borough. An outline of the dual use centres in Ealing, which are also schools, is included at **appendix 2** with details of facilities and current offer. The borough's Sports Facilities Strategy contains a summary of locations of sports halls and other facilities across the borough, including those located in schools. The strategy confirms a key aim on Page 3 to "Ensure new sports facilities built on school sites are available and accessible to the community at a reasonable price and with appropriate management systems in place".

In terms of the form and level of use of schools by the community, this is an area which individual schools and their governing body decide on taking into account various factors such as safeguarding, insurance, staffing and revenue implications. However, anecdotally, schools are aware of and support the opening up of their buildings and facilities for extended use. Schools and their governing bodies often view their facilities as a community asset and so will offer extended use on moral grounds. Schools are also incentivised to offer extended use on financial grounds where community lets can act as an additional revenue stream to subsidise the school's own operating costs.

In the case of maintained schools (ie community schools and VA/Foundation schools but not Academies) the Council issues a Fair Funding guidance document annually

which includes the below directive on community use.

## **1.1 DIRECTIVE ON COMMUNITY USE OF SCHOOL PREMISES**

The London Borough of Ealing in accordance with its powers under Schedule 13 paragraph 1 (community and community special schools) and Schedule 13 paragraph 5 (voluntary schools) of the SSFA 1998 hereby makes the following directions to the Governing Bodies of all maintained schools.

1. School premises shall be made available outside normal school hours by the Governing Body for adult education, after school clubs or children's youth service by the council unless the financial compensation offered by the Council does not cover the likely costs in the course of a year. Such notifications will not be less than one month's advance notice where such activities are additional to the published prospectus or timetable.
2. School premises shall be made available by the Governing Body for educational and Leisure purposes to increase the use of the premises by the community outside normal school hours – in the evenings and at weekends. Such lettings shall be made at a rate of charge which is reasonable.
3. The governing body shall make such arrangements as to security and additional caretaking as are necessary for the above uses to take place.
4. In the event of a dispute as to the meaning of, or application of, any of the foregoing directions such dispute shall be referred to the Executive Director of resources for a decision.
5. Schedule 13 paragraph 3 provides for the control of school premises at foundation schools to be under the control of the school's governing body subject to any transfer of control agreement entered into by the governing body and any requirements of an enactment over than SSFA 1998 or regulations made under it.

Although it is not possible to provide data on community use in schools across the borough, there is no evidence of any correlation between an individual school type and the level of use of its facilities by the community, i.e. levels of community use is not considered to vary greatly between community schools as compared to VA, Foundation Schools or Academies.

In general it is felt that secondary schools and larger primary schools will have a proportionally higher take up of use by the community. This is partly because the facilities which a secondary school can offer tend to be larger (e.g. sports halls, playing fields etc.) and additionally because secondary schools tend to have greater staffing and running costs which makes opening up for extended hours more economically viable.

The panel should note that there will not necessarily be complete support on the extended use of school facilities. Concerns on extended use which have been expressed previously, particularly by residents who live close to school facilities, relate

to disruption caused by additional noise, light and traffic.

## 1.2 New Schools

In addition to the 95 state schools already open in Ealing, the Council is currently projecting to require a number of new schools before the end of this decade to provide sufficient places to meet rising demand. In the case of new state schools, the current central government policy is for these to be Free School Academies (reference 'The free school presumption' advice from the Department for Education, last updated July 2015).

The Council is currently working with the Education Funding Agency (the delivery arm of the Department for Education) to secure sites on which to build new schools. Subject to site acquisition, we would anticipate applications for planning permission to be made in due course.

National, London-wide and Ealing's own adopted planning policies as well as the Council's emerging Planning for Schools Development Plan document (DPD) support the provision and extended use of community facilities within schools. Some of the relevant planning policies are outlined below and can be used to help ensure sports, halls and open space facilities are included in the design of new schools and designed to ensure, where possible, these facilities can be made available to the wider community. Generally, such provision and detailed arrangements for wider community use would be secured by condition and/or s106 legal agreement associated with the planning permission.

The London Plan 2011 (Policy 3.16) sets out how social infrastructure should be planned for to meet the needs of a growing population and of new developments. It encourages the extended use of highly accessible community facilities to help the effective use of resources and land as well as joined up service delivery. The policy confirms a criteria based approach to the provision of social infrastructure facilities and the expansion of existing facilities. It states that this infrastructure should be:

- Easily accessible to all sections of the community (including disabled people and older people) by meeting inclusive design principles.
- Easily accessible by walking and cycling.
- Well connected to public transport.
- Affordable and compatible with social infrastructure service delivery plans.
- Well laid out and flexible, so that all the space is used efficiently.
- Safe and user friendly.
- Integrated with or complementing other neighbouring facilities or services as part of achieving a lifetime neighbourhood.

Policy 3.18 of the London Plan then sets out how local authorities should plan for education facilities. The policy supports the objectives of the National Planning Policy Framework (NPPF) with regards to the provision of school places to enable greater educational choice through new build, expansions and change of use. The policy encourages development proposals which "maximize the extended or multiple use of educational facilities for community and recreational use" on school premises and "the co-location of services between schools and colleges and other provision [...] in order to maximize land use, reduce costs and develop the extended school [...] offer".

Ealing's emerging Planning for Schools Development Plan Document (DPD) seeks to positively plan for primary and secondary school place provision in the borough to meet the identified need, including promoting increased access to facilities associated with the schools to the wider community. It refers to the relevant policy guidance above. Reference has also been made to the recent example of agreements at William Perkin CE High School. Furthermore, the DPD confirms that in order to promote sustainable travel, facilities associated with the school for wider shared community and recreational use should be located within accessible locations within a site.

Once adopted, the policies and school sites allocated within the Schools DPD will have substantial weight in determining subsequent planning applications, and complement the existing adopted policies referenced above in terms of securing increased community access to facilities on those sites. The formal hearing in relation to the Schools DPD is to be held in mid-November, and subject to the Independent examiner's report, the Council hope to formally adopt the document by Spring 2016. In the meantime, the policies and sites contained therein are still gaining weight as the document progresses through the required formal stages.

Attached at **Appendix 3** and **4** is the community vision and draft community use plan for the William Perkin CE High School, which is a new secondary school which opened in Greenford in 2013.

## **2. Legal Implications**

This report has been prepared for information purposes only and there are no specific legal implications.

## **3. Financial Implications**

This report has been prepared for information purposes only and there are no specific financial implications.

## **4. Other Implications**

The matters discussed in this report have broad links with equalities and community cohesion, staffing and workforce and property and assets. In relation to the links with the Council's 6 priorities, this report would have particular links with making Ealing healthier, fairer and more accessible.

## **5. Background papers**

'The Free School presumption' Departmental Advice available via;

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/451377/Academy\\_and\\_free\\_school\\_presumption\\_departmental\\_advice\\_2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/451377/Academy_and_free_school_presumption_departmental_advice_2.pdf)

London Borough of Ealing Sports Facilities Strategy 2012 to 2021

[http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CCQQFjAAahUKEwj4OLR7ZTJAHVCPHQKHVKAB2s&url=http%3A%2F%2Fwww.ealing.gov.uk%2Fdownload%2Fdownloads%2Fid%2F6788%2Fsports\\_facility\\_strategy\\_2012-2021&usq=AFQjCNFPZTzYqyhS42kTXb4xTO8EXcTSdg](http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CCQQFjAAahUKEwj4OLR7ZTJAHVCPHQKHVKAB2s&url=http%3A%2F%2Fwww.ealing.gov.uk%2Fdownload%2Fdownloads%2Fid%2F6788%2Fsports_facility_strategy_2012-2021&usq=AFQjCNFPZTzYqyhS42kTXb4xTO8EXcTSdg)

## Consultation

Name of consultee	Department	Date sent to consultee	Date response received from consultee	Comments appear in report para:
Internal				
Julia Robertson		22/10/15	23/10/15	Throughout
Pauline Lawrence		22/10/15	23/10/15	Throughout
Gary Redhead		27/10/15		
Samantha Powell		22/10/15	23/10/15	Throughout
Judith Finlay	Executive Director Children and Adults	27/10/15		
Cllr Binda Rai	Portfolio Holder Children and Young People	27/10/15		

## **Report History**

<b>Decision type:</b>	<b>I. Urgency item?</b>
EITHER: For information	No

Authorised by Cabinet member:	Date report drafted:	Report deadline:	Date report sent:
	16/11/15	16/11/15	16/11/15

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