

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD1546

Title: Development of Fulham Police Station for use by The Fulham Boys School

Executive Summary:

The Mayor is committed to help the Department for Education (DfE) find sites for approved new schools in London. The Fulham Boys School was approved by DfE in 2012 and is currently occupying temporary accommodation. A site of suitable size and location has been found – Fulham Police Station – which is currently under the ownership of the Mayor's Office for Policing and Crime (MOPAC). In order to co-operate with, and facilitate, the activities of the DfE in providing premises which are suitable for The Fulham Boys School, the Mayor is willing to contribute to DfE the sum of £5m from the Greater London Authority (GLA) for the redevelopment of Fulham Police Station. In taking this decision, it is envisaged that MOPAC will sell the Fulham Police Station site to DfE at market value.

Decision:

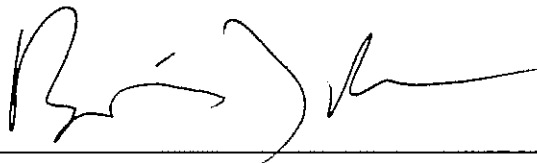
That the Mayor contributes to the Department for Education the sum of £5m for the redevelopment of Fulham Police Station in order to provide suitable accommodation for The Fulham Boys School.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision, and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:

21.9.2015

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1 Whilst the Mayor does not have specific statutory responsibilities in the area of education, he does have a responsibility to promote the social and economic development of Greater London, which includes educational opportunities (e.g. section 31(4A) of the Greater London Authority Act 1999 permits the GLA to incur expenditure on sponsoring academies or facilitating their sponsorship). The Mayor has made a strong commitment to prioritising young people in the capital by expanding their opportunities.
- 1.2 The Mayor recognises the importance of providing a good school place for every child and ensuring that they have the skills, knowledge and creativity to succeed in life. Therefore, on 10 November 2011 the Mayor announced that he was establishing an Education Inquiry to explore the critical challenges facing London's primary and secondary schools and make practical recommendations for key stakeholders, including the Government and London boroughs.
- 1.3 The Education Inquiry produced a final report which made several recommendations to the Mayor. Of particular relevance to this decision is that the report examines the growing crisis in school places and the negative consequences this will have for families across the city. The final report notes that London desperately needs more good quality provision. The Mayor wants to encourage a new generation of free schools in the capital, to help address the shortage of school places and to give parents a greater choice.
- 1.4 One of the recommendations made by the Education Inquiry was:

Recommendation 11: The Mayor's office should work with boroughs, London Councils and the DfE to play a more strategic role in supporting free school developments in London, by identifying sites and targeting areas of local need.

- 1.5 The Mayor accepted and adopted recommendation 11 and set up a unit in the GLA called New Schools for London, which works in partnership with London boroughs and DfE to help find sites for approved new schools. The Mayor also committed to auditing the GLA group estate for 10 buildings or sites for purchase by DfE for new school developments.

2. Issues

- 2.1 The Fulham Boys School is a Church of England Secondary Free School which was approved by DfE in 2012, but due to difficulties in securing a permanent site, it opened in temporary accommodation in September 2014. In accordance with his commitments following the Education Inquiry, the Mayor has assisted The Fulham Boys School in seeking a permanent site which is of suitable size and can be delivered in an appropriate period of time in the Fulham area.
- 2.2 The site which has been identified as being appropriate for use by The Fulham Boys School is Fulham Police Station which is currently owned by MOPAC. The GLA understands that MOPAC has agreed to dispose of the site to DfE at market value.

- 2.3 The Education Funding Agency (EFA), acting on DfE's behalf, proposes to redevelop the site for occupation by The Fulham Boys School. The EFA may also choose to develop a small number of residential units on the site. In addition, there will be provision for the Metropolitan Police Service (MPS) to provide a police counter service to the public, as well as the potential for out of hours use for (football) match day deployment of officers.
- 2.4 The Mayor is committed to ensuring that new schools are established in London and considers that Fulham Police Station is the most appropriate, and indeed the only available site in Fulham, which can permanently accommodate The Fulham Boys School. The Mayor also recognises the significant benefits arising for the local community from the establishment of this secondary school. In order to support the development of the premises for use and occupation by The Fulham Boys School, the Mayor is willing to contribute the sum of £5m for redevelopment of the site.
- 2.5 The Mayor's intervention is based on a unique set of circumstances at a local level, which involve – among others – Hammersmith and Fulham Council. The critical factor underpinning the Mayor's intervention is the fact that The Fulham Boys School has already opened (in September 2014, as noted above) and each year is enrolling a new cohort of boys. Given this reality, which is not common to other new schools, the Mayor is of the view that his intervention is not only justified but also necessary in the light of legitimate parental aspirations in the area for both existing and future pupils. Were similar issues to arise with other new schools in London with which the Mayor is associated (and they have not done so far), then they would be considered on a case-by-case basis.
- 2.6 The Mayor does not view the level of financial support which he is providing as disproportionate. The GLA capital budget amounts to as much as £798m in 2015-16 and is expected to be in the order of £789m in 2016-17. In this context, the Mayor views his investment of £5m as reasonable and proportionate. It should also be borne in mind that the London Schools Excellence Fund, which is taking forward the recommendations arising from the Mayor's Education Inquiry, is expected to incur costs of £20m. While an investment in a single school is a different type of intervention, it nevertheless does not appear to be an excessive amount to be contributing.
- 2.7 Finally, the GLA understands that EFA will be purchasing the Fulham Police Station site from MOPAC at a market value of £20m and that EFA will be contributing £11m of the £16m redevelopment costs of the site (with the remaining £5m coming from the GLA). Again, this would appear to be a reasonable arrangement and the GLA's financial contribution is proportionate to the role it is playing in the scheme.

3. Equality comments

- 3.1 Section 149(1) of the Equality Act 2010 provides that, in the exercise of their functions, public authorities must have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 3.2 The obligation in section 149(1) is placed upon the Mayor, as decision maker. Due regard must be had at the time a particular decision is being considered. The duty is non-delegable and must be exercised with rigour and an open mind.
- 3.3 The Fulham Boys School provides much needed secondary school places in the Fulham area. The Mayor has noted that the school is restricted to boys and that under the oversubscription criteria for the school approximately half of the places will be filled by practising Christians: this may be regarded as not advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it as boys and practising Christians are favoured; the latter criteria could, however, be regarded as fostering good relations between persons with a Christian belief and those without.
- 3.4 The Mayor's intervention (as noted above) is driven by a commitment to maintain the school now that it has opened. The Mayor sees the school as one of a number of schools offering educational choices to pupils and parents in that area of London. Were other new schools in London with which the Mayor has an association to find themselves in a similar position, then the Mayor would consider any request for financial support on a case-by-case basis (again, as stated above). The Mayor is committed to working with others to ensure that there is a diverse provision of schools in London.
- 3.5 As a result, any consideration of the financial support being provided to The Fulham Boys School by the GLA under the Mayor's authority needs to include:
- An acknowledgement of the unique circumstances arising in Fulham whereby The Fulham Boys School has already opened and parents have legitimate expectations arising from that; and
 - The Fulham Boys' School does not operate in a vacuum and is one of a number of secondary schools in that area providing educational options to pupils and parents.

4. Financial comments

- 4.1 The financial support of £5m will be met from the capital financial reserves held by the GLA.

5. Legal comments

- 5.1 Under section 30 of the Greater London Authority Act 1999 (the GLA Act), the GLA has the power to do anything which furthers one or more of its principal purposes, which includes promoting social and economic development in Greater London. This will include supporting the provision of education for those living in Greater London. Section 34 provides that the GLA may do anything which is calculated to facilitate or is conducive or incidental to the exercise of any functions of the GLA. The provision of a contribution towards the refurbishment of the Fulham Police Station site will enable the provision of suitable accommodation for a secondary school in the Fulham area. The development also envisages that residential units will be provided on the site which also furthers one or more of the GLA's principal purposes.
- 5.2 Section 31 (b) of the GLA Act prohibits the GLA from incurring expenditure in providing any educational services (excluding Academies or facilitating their sponsorship) which could be provided by a London borough council or other public body. The provision of educational services relates to the actual delivery of education, rather than supporting the infrastructure for education, which would include the purchase or redevelopment/refurbishment of a school.
- 5.3 In any event, under section 31(6) of the GLA Act, the GLA is not prohibited from incurring expenditure for educational services if it co-operates with or facilitates or co-ordinates the activities of a London Borough Council or other public body. The purposes of the expenditure that is proposed in this MD is that the GLA is co-operating or facilitating with the DfE to ensure that suitable accommodation for a secondary school can be delivered in the Fulham area.

- 5.4 In order to make a lawful decision, the Mayor has to take into account all relevant considerations, and not take into account irrelevant matters. There is a sound and proper reason for the expenditure being the Mayor's commitment to increasing school places in London. The level of contribution is appropriate, given the other demands on the GLA's resources.
- 5.5 On the basis that this payment is to be funding, as opposed to the procurement of services, the Contracts and Funding Code (the 'Code') requires the GLA to ensure that the funding is distributed fairly, transparently and in accordance with the GLA's equalities obligations. The Code also requires the GLA to demonstrate value for money in the allocation of this funding. The relevant officers should liaise with TfL Legal to ensure that a funding agreement is put in place to govern the grant of this funding to DfE prior to any payment being made.

6. Investment & Performance Board

- 6.1 This approval falls outside the terms of reference of the Investment & Performance Board.

Appendices and supporting papers:

None

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If YES, for what reason:

Until what date: (a date is required if deferring)

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

Tom Middleton has drafted this report in accordance with GLA procedures and confirms the following have been consulted on the final decision.

✓

Assistant Director/Head of Service:

Tom Middleton has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Sponsoring Director:

Martin Clarke has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Sir Edward Lister has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

M. J. Allen

Date

18.9.15

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature

Edward Lister

Date

21:09:2015