

North Yorkshire Council
Children and Families
Overview and Scrutiny Committee

Wednesday 17 April 2024

Call in of Executive decision – Proposal to cease to maintain Fountains Earth, Lofthouse Church of England Endowed Primary School

1.0 PURPOSE OF REPORT

- 1.1 To enable the Committee to consider the Executive decision relating to the proposal to cease to maintain Fountains Earth, Lofthouse Church of England Endowed Primary School and to determine whether or not the Committee would wish to refer the decision back to the Executive for reconsideration or to the full Council and, if so, the nature of its concerns about the decision.

2.0 DECISION OF THE EXECUTIVE

- 2.1 On 19 March 2024 the following Executive decision was taken:

Resolved –

That:

- i) To cease to maintain Fountains Earth, Lofthouse CE Endowed Primary School with effect from 31 March 2024.
- ii) To extend the catchment area of St Cuthbert's Church of England Primary School, Pateley Bridge with effect from 1 April 2024 to include the area currently served by Fountains Earth, Lofthouse CE Endowed Primary School.

- 2.2 A full copy of the Executive Report (Annex 1) is attached to this Report.

3.0 BACKGROUND

- 3.1 On 19 March 2024, written notice was received from six Members that they wished the Executive decision to be called in. The notice was made by Councillor Andrew Murday, with support from Councillors Monika Slater, Peter Lacy, Steve Mason, Bryn Griffiths and Dan Sladden.

The reasons given for the call in were stated as:

1. Pupil numbers: at present there are no pupils at the school. However, if the issues that led the parents to withdraw their children from the school were to be resolved, then pupils would return. There is a strong belief amongst the parents and the local community that conditions in the school deteriorated in order to depopulate it. Furthermore, the projected numbers into the future were disputed, and this was not made clear in the reports to the executive.

2. Educational standard: the school received a 'good' rating on inspection in June 2022. It was strange, therefore, that the governing body of the Upper Nidderdale Federation requested a month later that NYCC should considered closing the school. Although that request was withdrawn, it spread the seeds of doubt, so that parents considered thereafter that the school was under threat. This rating is difficult to reconcile with the view that the education standard provided at the school was inadequate, another reason given for the closure. The implication of this request by the governors in 2022 was not considered by the executive.
3. Financial: a further factor leading to the executive's closure decision, recorded in the minutes, was the financial cost of keeping an empty school open. At the time of closure, the school had no permanent teaching staff. The cost of maintenance of the buildings over a relatively short period of time until it reopens would be minimal. Compared to this, the costs of home-to school transport from Lofthouse to other schools in Nidderdale will be substantial and will outweigh the maintenance cost. The burden for the children, some as young as 4 years old, of travelling many miles each day to attend a distant school will be considerable. The details of the financial costs were not made clear in the documents provided or in the discussion at the executive meeting.

3.2 The Council's rules in relation to the call in of an executive decision are set out in paragraph 16 of the Overview and Scrutiny Procedure Rule in the constitution [here](#)

4.0 THE ROLE OF THE OVERVIEW AND SCRUTINY COMMITTEE

- 4.1 It is for the Committee to consider the decision which has been subject to call in and then to decide whether, or not, it wishes to refer it back to the executive decision making body for reconsideration, setting out in writing the nature of its concerns, or whether, or not, it wishes to refer the matter to full Council.
- 4.2 If the Committee does not refer the matter back to the decision taker, or refer it to the Council, the decision will take effect on the date of this Overview and Scrutiny Committee meeting. The relevant parts of the Council's Overview and Scrutiny Committee Procedure Rules are set out below.

5.0 CALL IN

Note: Powers of call in apply only to functions which are the responsibility of the Executive.

- (d) If, having considered the decision, the Overview and Scrutiny Committee wishes to do so, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to full Council. If referred to the decision maker they shall then consider the matter, amending the decision or not, before adopting a final decision.
- (e) If following an objection to the decision, the Overview and Scrutiny Committee does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny meeting.
- (f) Where the matter has been referred to full Council, but the Executive decides that the matter must be determined prior to the next Council meeting, they

may proceed to determine the matter, and shall report the matter to the next Council meeting.

- (g) Subject to (f) above, if the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, (note: it has no locus to make decisions in respect of an executive decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget) the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.

6.0 FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications arising from this report on the call in process.

7.0 LEGAL IMPLICATIONS

- 7.1 The process for dealing with call ins is set out in the Council Constitution.

8.0 EQUALITIES IMPLICATIONS

- 8.1 There are no equalities implications arising from this report on the call in process.

9.0 CLIMATE CHANGE IMPLICATIONS

- 9.1 There are no climate change implications arising from this report on the call in process.

10.0 RECOMMENDATION

- 10.1 That the Committee considers the decision taken and called in and determines whether, or not, it wishes to refer the decision back to the Executive for reconsideration or to the full Council and, if so, the nature of its concerns about the decision.

ANNEXES:

Annex 1: Report and Appendices: Fountains Earth, Lofthouse CE Endowed Primary School – School Closure Proposal

Annex 2: Minutes Extract of the meeting of the Executive held on 19 March 2024

Annex 3: Report and Appendices: Report Published to Seek Executive Member Approval to Consult on a Proposal to Close Fountains Earth, Lofthouse CE Endowed Primary School

Annex 4: Report and Appendices: Proposal to Cease to Maintain Fountains Earth, Lofthouse CE Endowed Primary School

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4 April 2024

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Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.