



# AGENDA

## OVERVIEW AND SCRUTINY EDUCATION BUSINESS PANEL

Date: TUESDAY, 28 MARCH 2017 at 7.00 pm

Committee Rooms 1 & 2  
Civic Suite  
Lewisham Town Hall  
London SE6 4RU

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### MEMBERS

Councillor Alan Hall	Chair of Overview and Scrutiny Committee	L
Councillor Gareth Siddorn	Vice Chair of Overview and Scrutiny Committee	L
Councillor Liam Curran	Chair of Sustainable Development Select Committee	L
Councillor Carl Handley	Chair of Housing Select Committee	L
Councillor Jim Mallory	Labour Group Representative	L
Councillor John Muldoon	Chair of Healthier Communities Select Committee	L
Councillor Maja Hilton	Chair of Children and Young People Select Committee	L
Councillor Liz Johnston-Franklin	Labour Group Representative	L
Councillor Luke Sorba	Chair of Public Accounts Select Committee	L
Councillor Pauline Morrison	Chair of Safer Stronger Communities Select Committee	L

### Non-elected Voting Members

Sharon Archibald	Primary School Parent Governor Representative
Kevin Mantle	Parent Governor Representative for Special Schools
Monsignor N Rothern	Roman Catholic Archdiocese of Southwark Commission for Schools and Colleges
Mark Saunders	Secondary School Parent Governor Representative

**Members are summoned to attend this meeting subject to membership confirmation at the AGM**

Barry Quirk  
Chief Executive  
Lewisham Town Hall  
Catford  
London SE6 4RU  
Date: Monday, 20 March 2017



INVESTOR IN PEOPLE

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

## ORDER OF BUSINESS – PART 1 AGENDA

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FIELD\_TITLE



**Lewisham**



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# Agenda Item 1

OVERVIEW & SCRUTINY (EDUCATION) BUSINESS PANEL		
<b>Report Title</b>	Minutes	
<b>Key Decision</b>		Item 1
<b>Ward</b>		
<b>Contributors</b>	Chief Executive	
<b>Class</b>	Part 1	Date: 28 March 2017

It is recommended that the minutes of that part of the meetings of the Overview and Scrutiny (Education) Business Panel which were open to the press and public, held on 31 January 2017 be confirmed and signed.

# MINUTES OF THE OVERVIEW AND SCRUTINY EDUCATION BUSINESS PANEL

Tuesday, 31 January 2017 at 7.00 pm

The meeting opened at 7.12pm and adjourned.

The meeting reconvened at 7.14pm

PRESENT: Councillors Alan Hall (Chair), Liam Curran, Carl Handley, Jim Mallory, David Michael, Jamie Milne, Hilary Moore, John Muldoon and Monsignor N Rothon

Apologies for absence were received from Councillor Gareth Siddorn and Councillor Brenda Dacres

## 7. Minutes

RESOLVED that the minutes of the open meeting held on 22 November 2016 be confirmed as a correct record.

## 8. Declarations of Interests

None received.

## 9. Decisions Made by Mayor and Cabinet on 11 January 2017

### The Transfer of Lewisham Music Service

The Chair notified officers that they should try and notify Business Panel Members about papers tabled at Mayor and Cabinet to Business Panel Members as soon as possible. He said Panel Members find it extremely difficult to scrutinise tabled papers.

The Executive Director for Children and Young People introduced the report.

Councillor Handley asked whether in choosing option 1 the Council would underwrite all the cost appearing on option 2 also. The Executive Director for Children and Young People said the liabilities were the same in both scenarios, the difference being the number of years the Council would act as guarantor for all liabilities.

The Chair said officers needed to ensure everything was in place to start the process, as Members felt the decision was rushed through. The Chair said he hoped sufficient dialogue would follow, and Council would be updated and informed if any additional assistance might be necessary in future.

The Executive Director for Children and Young People said now that the decision had been made to go ahead with option 1, TUPE consultation would begin. She added that the Trustees were happy with the terms and conditions of the transfer, and have taken legal advice on the process. The Chair requested a list containing the Trustees names as the Children and Young People Select Committee would

want to contact them directly, to engage with them about their future direction. The Chair also requested a synopsis of where the Trust were at currently, followed by an update to the CYP Select Committee in 6 months.

**Action >>>>> ED CYP**

Councillor Mallory said pension liabilities was a complex area and most recently staff at Bernhard Matthews just became aware that they were left with no pension. He said he was concerned that something as important as staff pension was not part of the scrutiny process. The Executive Director for Children and Young People said Staff pension was protected in line with TUPE. She said the Council had used its actuaries to assess the risk involved in transferring the pension and officers in the Legal and Finance sections were looking into the pension process.

**10. Exclusion of the Press and Public**

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3, 4 and 5 of Part 1 of Schedule 12(A) of the Act, as amended by the Local Authorities (Executive Arrangements) (Access to information) (Amendments) (England) Regulations 2006 and the public interest in maintaining the exemption outweighs the public interest in disclosing the information:

The following is a summary of the items considered in the closed part of the meeting:

**11. Decision Made by Mayor and Cabinet (Contracts) on 11 January 2017**

School Health Service Contract

RESOLVED that the decision of the Mayor be noted.

**12. Decision Made by an Executive Director Under Delegated Authority - The Provision of School Kitchen Condition Surveys**

This item was not identified for further discussion.

Meeting ended 8.20pm

Chair .....

# Agenda Item 2

OVERVIEW AND SCRUTINY (EDUCATION) BUSINESS PANEL		
Report Title	Declarations of Interests	
Key Decision		Item No. 2
Ward		
Contributors	Chief Executive	
Class	Part 1	Date: 28 March 2017

Members are asked to declare any personal interest they have in any item on the agenda.

## 1 Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests

## 2 Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person\* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person\* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person\* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-

- (a) that body to the member's knowledge has a place of business or land in the borough; and
- (b) either
  - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
  - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person\* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

\*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

### (3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25

### (4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

### (5) Declaration and Impact of interest on member's participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine**

### **of up to £5000**

- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.
- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

### **(6) Sensitive information**

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

### **(7) Exempt categories**

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)



OVERVIEW & SCRUTINY (EDUCATION) BUSINESS PANEL		
<b>Report Title</b>	Decisions made by Mayor and Cabinet on 22 March 2017	
<b>Key Decision</b>		Item No. 3
<b>Ward</b>	All	
<b>Contributors</b>	Chief Executive/Head of Business and Committee	
<b>Class</b>	Part 1	Date: 28 March 2017

## 1. Recommendation

To consider key decisions made by the Mayor and Cabinet on 22 March 2017 which will come in to force on 29 March 2017.

## 2. Background

2.1 The Mayor and Cabinet considered the following key decisions on 22 March 2017.-

2.2 The notice of decisions made in respect of these reports is attached as an Appendix. Under the provisions of Standing Orders Part IV E 14, members may call in an executive decision within 7 days. If the reports are not called in they will come into force on 29 March 2017.

- i. School Place Planning Strategy 2017 -2022
- ii. Ashmead Primary School and Addey and Stanhope School Expansions Feedback
- iii. Our Lady & St Philip Neri RC School Land Transfer to the Roman Catholic Archdiocese of Southwark



## NOTICE OF DECISIONS MADE AT THE MAYOR & CABINET

The Mayor and Cabinet made the following decisions on 22 March 2017. These Decisions will become effective on 29 March 2017 unless called in by the Overview & Scrutiny (Education) Business Panel on 28 March 2017.

### **1. Our Lady & St Philip Neri RC School Land Transfer to the Roman Catholic Archdiocese of Southwark**

Having considered an officer report, and a presentation by the Deputy Mayor, Councillor Alan Smith, the Mayor agreed that:

(1) subject to consent from the Secretary of State to the disposal being obtained under Schedule 1 of the Academies Act 2010, the transfer of that part of the existing school site shown outlined in red on the plan attached in Appendix 1 be approved to The Roman Catholic Archdiocese of Southwark (as trustees for the charitable foundation known as the Education Commission) for nil consideration for the duration of the lifetime of the school on that site;

(2) an application be made to the Secretary of State for Education under Schedule 1 of the Academies Act 2010 for the transfer of the site on the terms set out; and

(3) authority be delegated to the Executive Director for Resources and Regeneration, in consultation with the Executive Director for Children & Young People and the Head of Law, to agree the final terms of the transfer.

### **2. School Place Planning Strategy 2017-2022**

Having considered an officer report, and a presentation by the Cabinet Member for Children and Young People, Councillor Paul Maslin, the Mayor agreed that:

(1) the results of the consultation period regarding the draft Place Planning Strategy 2017-2022 be noted; and

(2) the Place Planning Strategy 2017-2022, as detailed in Appendix 1, is approved and adopted.

**3. Ashmead Primary School and Addey & Stanhope School Expansions: Feedback from representation periods and decisions to expand.**

Having considered open and confidential officer reports, and a presentation by the Cabinet Member for Children and Young People, Councillor Paul Maslin, the Mayor agreed that:

(1) the results of the representation period regarding the proposal to expand Ashmead Primary School from 1 to 2 forms of entry with effect from September 2017 be noted;

(2) the results of the representation period regarding the proposal to expand Addey and Stanhope School from 4 to 6 forms of entry with effect from September 2018 be noted.

(3) Ashmead Primary School be expanded from 1 to 2 forms of entry with effect from September 2017;

(4) Addey and Stanhope School be expanded from 4 to 6 forms of entry with effect from September 2018; and

(5) further details on the likely cost of expanding both schools and the procurement route for the construction works are dealt with in a separate confidential report.

**Barry Quirk  
Chief Executive  
Lewisham Town Hall  
Catford SE6 4RU  
23 March 2017**

# Agenda Item 4

OVERVIEW & SCRUTINY (EDUCATION) BUSINESS PANEL		
<b>Report Title</b>	Exclusion of the Press and Public	
<b>Key Decision</b>		Item No. 4
<b>Ward</b>		
<b>Contributors</b>	Chief Executive	
<b>Class</b>	Part 1	Date: 28 March 2017

## Recommendation

It is recommended that under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3, 4 and 5 of Part 1 of Schedule 12(A) of the Act, as amended by the Local Authorities (Executive Arrangements) (Access to Information) (Amendments) (England) Regulations 2006 and the public interest in maintaining the exemption outweighs the public interest in disclosing the information:-

5. Decision made by Mayor and Cabinet (Contracts) on 22 March 2017
6. Decision made by an Executive Director Under Delegated Authority – Award of Stage 1 Design and Build Contract Addey & Stanhope and Ashmead Schools

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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