

**Cabinet
(Extraordinary Meeting)**

17 July 2013

Present: N Redfearn (Elected Mayor) (in the Chair),
Councillors EN Darke, CA Gambling, R Glindon, I Grayson,
JLL Harrison, F Lott, CB Pickard and JJ Stirling

In Attendance: Councillor J M Allan

CAB57/07/13 Apologies

Apologies were received from Councillor L Spillard.

CAB58/07/13 Declarations of Interest

No declarations of interest were made.

CAB59/07/13 Kings Priory Proposals (All Wards)

Cabinet was requested to consider the view expressed by Council, at an Extraordinary meeting held immediately prior to this meeting, upon the Secretary of State for Education's decision to approve the Kings Priory Academy proposals and to determine what action, if any, the Authority should now take.

In accordance with the urgency provisions contained in the Council's Constitution, approval had been obtained from the Chair of the Overview and Scrutiny Committee to a decision being taken by Cabinet as a matter of urgency and from the Chair of Council that the decision would not be subject to call-in.

The reason for urgency was as follows:

To enable Cabinet to consider the views of Council from its Extraordinary meeting held immediately before this Cabinet meeting without delay and decide upon the Authority's next steps. As this issue relates to a pressing education matter, with the Academy scheduled to open in September 2013 there is a need to avoid any unnecessary delay in addressing this matter.

The background information relating to the Kings Priory proposals was contained in the report that had been submitted to all Members for consideration at the Extraordinary Council meeting.

At that meeting Council had approved the following resolution:

'Cabinet is asked to note that:

Council is opposed to the Kings Priory Academy proposals because of the impact on education across the whole of the Borough and agrees to support Cabinet in taking all appropriate steps to secure that the Department for Education reconsiders the decision to enter into the funding agreement to create the Kings Priory Academy to ensure that errors are rectified and the impact upon other schools is properly considered.'

The following decision options were available for consideration by Cabinet.

Option 1

Cabinet may:

- (1) Consider the view expressed by Council at the Extraordinary meeting of 17 July 2013 and whether support was expressed for Cabinet to take all appropriate steps to secure that the Department for Education reconsiders the decision to enter into the funding agreement to create the Kings Priory Academy to ensure that errors are rectified and the impact upon other schools is properly considered;
- (2) Agree to take all appropriate steps (as set out in (1) above) and in particular to agree that the Authority will issue a pre action protocol letter to the Secretary of State for Education to challenge the decision making process with regard to his decision made on 5 July 2013 and detailed in his decision letter dated 10 July 2013;

And either:

- (3)(a) Agree to consider the response to the pre action protocol letter when it is received before determining whether any further action is appropriate;

Or:

- (3)(b) To enable any necessary action arising to be taken expeditiously, authorise the Cabinet Member for Children, Young People and Learning, in consultation with the Elected Mayor, the Strategic Director for Children, Young People and Learning and the Head of Law and Governance to consider the response to the pre action protocol before determining and taking such further action as considered appropriate.

Option 2

Cabinet may:

- (1) Consider the view expressed by Council at the Extraordinary meeting of 17 July 2013 and whether support was expressed for Cabinet to take all appropriate steps to secure that the Department for Education reconsiders the decision to enter into the funding agreement to create the Kings Priory Academy to ensure that errors are rectified and the impact upon other schools is properly considered;
- (2) Determine that no formal action will be taken; and
- (3) Instruct the Strategic Director for Children, Young People and Learning in consultation with the Elected Mayor and Cabinet Member for Children, Young People and Learning to monitor the impact upon schools in the Borough and advise Cabinet upon steps that can be taken to mitigate the impact.

Resolved that (1) the resolution of Council at its Extraordinary meeting of 17 July 2013, as set out in the preamble to these Minutes, be noted; and
(2) in the light of the resolution of the Council, all appropriate steps be taken to secure that the Department for Education reconsiders the decision to enter into the funding

agreement to create the Kings Priory Academy to ensure that errors are rectified and the impact upon other schools is properly considered, and in particular a pre action protocol letter be issued to the Secretary of State for Education to challenge the decision making process with regard to his decision made on 5 July 2013 and detailed in his decision letter dated 10 July 2013; and

(3) Cabinet consider the response to the pre action protocol letter when it is received before determining whether any further action is appropriate.

(Reason for decision: In light of the impact of the proposed Academy upon education in the Borough, it is considered appropriate to seek reconsideration of the Secretary of State's decision making in relation to this matter, so that it is undertaken in a transparent and thorough manner and in the full knowledge of the likely impact.)

CAB60/07/13 Date and Time of Next Meeting

4.00pm on Monday 22 July 2013 (Extraordinary Meeting)

6.00pm on Monday 12 August 2013 (Ordinary Meeting)

Minutes published on Monday 22 July 2013.

Decisions contained within these Minutes are not subject to call-in and may be implemented immediately.