

## CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **EXECUTIVE** held in the Council Chamber, Priory House, Monks Walk, Shefford on Tuesday, 19 August 2014.

### PRESENT

Cllr J G Jamieson (Chairman)  
Cllr M R Jones (Vice-Chairman)

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| Executive Members: | Cllrs | C Hegley<br>B J Spurr<br>Mrs P E Turner MBE | Cllrs | M A G Versallion<br>J N Young |
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| Deputy Executive Members: | Cllrs | A D Brown<br>I Dalgarno<br>A M Turner | Cllrs | B Wells<br>R D Wenham |
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| Apologies for Absence: | Executive Member Cllr | R C Stay | Deputy Executive Members Cllrs | Mrs S Clark<br>A L Dodwell<br>D J Hopkin |
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| Members in Attendance: | Cllrs | P N Aldis<br>Mrs A Barker<br>A R Bastable<br>D Bowater<br>Mrs B Coleman<br>K M Collins<br>C C Gomm<br>Mrs S A Goodchild<br>Ms A M W Graham<br>P Hollick<br>D Jones | Cllrs | K C Matthews<br>D McVicar<br>J Murray<br>T Nicols<br>R B Pepworth<br>B Saunders<br>A Shadbolt<br>Miss A Sparrow<br>P Williams<br>A Zerny |
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| Officers in Attendance | Mrs D Broadbent-Clarke<br>Mrs M Clay<br><br>Mr M Coiffait<br>Mr J Cushing<br>Mr R Fox<br><br>Mr D Galvin<br>Mrs E Grant<br><br>Mrs S Hobbs<br>Mrs J Ogley<br><br>Mr R Parsons<br><br>Miss H Redding | Director of Improvement and Corporate Services<br>Chief Legal and Democratic Services Officer<br>Community Services Director<br>Head of Investment<br>Head of Development Planning and Housing Strategy<br>Head of Financial Performance<br>Deputy Chief Executive/Director of Children's Services<br>Committee Services Officer<br>Director of Social Care, Health and Housing<br>Head of School Organisation and Capital Planning<br>Assistant Director School Improvement |
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E/14/39. **Minutes**

**RESOLVED**

**that the minutes of the meeting held on 15 July 2014 be confirmed as a correct record and signed by the Chairman.**

E/14/40. **Members' Interests**

Councillor Hegley declared a personal interest in item 8 'Determination of Statutory Proposals to Close Brewers Hill Community Middle School, Streetfield Middle School and Ashton Church of England Voluntary Aided Middle School', as she was a Governor at St Augustine's Academy, Dunstable.

Councillor Mrs P Turner declared a personal interest in item 9 'Commissioning of New School Places for Implementation from September 2015 and September 2016 in Central Bedfordshire', as she was a Governor at Edward Peake Church of England Voluntary Controlled Middle School.

E/14/41. **Chairman's Announcements**

The Chairman announced that he had agreed to allow an additional item to be considered as a matter of urgency that related to the Gypsy and Traveller Local Plan. The urgent item would be taken as Agenda item 20 after item 16 'June 2014/15 (Q1) Housing Revenue Account Budget Monitoring Revenue and Capital Report'. He explained that he would be taking item 13 'Future Residual Waste Disposal' after the urgent item.

The Chairman congratulated Central Bedfordshire 'A' level students on their results. The initial assessment had seen an improvement in the pass rate in Central Bedfordshire. He was also pleased to announce that Sandy Upper School and Queensbury Upper School had both received an Ofsted rating of Good.

Unemployment in Central Bedfordshire as at June 2014 was 3.4% nearly half the national average. This demonstrated that Central Bedfordshire was attracting employment opportunities, thereby improving life chances for our residents.

E/14/42. **Petitions**

No petitions were received.

E/14/43. **Public Participation**

The following statements were made in accordance with the Public Participation Scheme. All speakers spoke on item 8 'Determination of Statutory Proposals to Close Brewers Hill Community Middle School, Streetfield Community Middle School and Ashton Church of England (C of E) Voluntary Aided (VA) Middle School'.

**1. Shirley Hollis, Deputy Headteacher Ashton Middle School**

Ms Hollis focused on the financial aspects of Ashton Middle School's business case and commented on the concerns set out in the Executive report, including their forecasted pupil numbers and the difficulty in predicting staffing requirements. She also observed that closing the school would have an impact on the Council's finances as the Council would be responsible for meeting the school's deficit.

**2. Mrs Bowen**

Mrs Bowen spoke in relation to the proposed closure of Streetfield Middle School. She did not support the age range changes in Dunstable and was concerned that there would not be adequate places for children in the area. She commented that the teachers at Streetfield Middle School were very good at understanding the needs of their pupils and making them feel valued.

**3. Mr Tinch, Acting Headteacher, Streetfield Middle School**

Mr Tinch thanked the Chairman of the Children's Services Overview and Scrutiny Committee and Officers for their support. He urged the Council to invest in Streetfield Middle School rather than close the school. If the school was to close the Council would be responsible for maintaining the empty building and would also have to finance additional classrooms at the remaining schools. He commented that parents felt that their views had been received but ignored.

**4. Mr Brown, Chair of Governors, Streetfield Middle School**

Mr Brown felt that the Council had focused on financial viability rather than the impact that the school closures would have on the children and their families.

The Chairman explained that the Executive Member for Children's Services would respond to the statements made by members of the public under item 8 'Determination of Statutory Proposals to Close Brewers Hill Community Middle

School, Streetfield Community Middle School and Ashton Church of England (C of E) Voluntary Aided (VA) Middle School'.

E/14/44. **Forward Plan of Key Decisions**

**RESOLVED**

**that the Forward Plan of Key Decisions for the period 1 September 2014 to 31 August 2015 be noted.**

E/14/45. **Determination of Statutory Proposals to close Brewers Hill Community Middle School, Streetfield Community Middle School and Ashton Church of England (C of E) Voluntary Aided (VA) Middle School**

The Executive considered a report from the Executive Member for Children's Services that provided information on the responses to the statutory notices published regarding the phased closure of Brewers Hill, Streetfield and Ashton Middle Schools from September 2015, with full closure from August 2016. The report also set out the response to each of the schools' business cases for their alternative proposals which had been submitted as part of their response to the statutory notices.

In response to questions, the Executive Member for Children's Services thanked the relevant three schools and officers for the work that had been carried out in putting together the business cases to try to find alternative proposals. The alternative proposals within the business cases had not demonstrated a demographic need nor generated confidence that there would be sufficient parental demand to secure future viability of the schools, which represented significant risk. The schools needed to be financially viable to ensure the children received a high standard of education. The Council would not normally allow a school to remain in deficit beyond 2 to 3 years. If the schools were to remain open the deficit would fall on either the Dedicated Schools Grant (which would impact on all maintained schools budgets) or the Council. There were no future plans for the sites, but the law stated that the sites must be considered for education purposes in the first instance. The land at Streetfield and Brewers Hill Middle Schools would remain the responsibility of the Council, but the land at Ashton Middle School would be the responsibility of the Ashton Foundation.

Due to uncertainty regarding funding for capacity expansion at Beecroft Academy to implement their ambition to become a primary school from September 2015, it was suggested that the proposal to close Brewers Hill Middle School be modified with an implementation date of phased closure from September 2016 with final closure in August 2017. This would enable a number of children entering Year 5 in September 2015 to have a place at a local school. Beecroft Academy was intending to apply for capital grant

through the Academies Capital Maintenance Fund to receive the funding required to become a primary school from September 2016.

Reason for decision: To ensure the Council continued to meet its statutory obligations to provide sufficient school places and also to meet the legal requirements placed on the Council by the School Organisation (Establishment and Discontinuance of Schools)(England) Regulations 2013 regarding proposals to close the three maintained schools as set out in the report.

## **RESOLVED**

- 1. that the responses to the statutory notice for the closure of Brewer's Hill Community Middle School, including the school's business case for an alternative proposal, be noted;**
- 2. (a) that the statutory proposal to close Brewer's Hill Community Middle School be approved with a modified implementation date of phased closure from September 2016 with final closure in August 2017, for the reasons set out in paragraphs 69 – 95 in the report;**  
**(b) that the Executive's approval would be sought to modify the implementation date should Beecroft Academy be able to accommodate Year 5 children in September 2015, be noted.**
- 3. that the responses to the statutory notice for the closure of Streetfield Community Middle School, including the school's business case for an alternative proposal, be noted;**
- 4. that the statutory proposal to close Streetfield Community Middle School be implemented with a phased closure from September 2015 with final closure in August 2016, for the reasons set out in paragraphs 99 – 120 in the report, be approved;**
- 5. that the responses to the statutory notice for the closure of Ashton Church of England Voluntary Aided Middle School, including the school's business case for an alternative proposal, be noted; and**
- 6. that the statutory proposal to close Ashton Church of England Voluntary Aided Middle School be implemented with phased closure from September 2015 with final closure in August 2016, for the reasons set out in paragraphs 124 – 142 in the report, be approved.**

The Executive adjourned from 11.45 a.m. to 11.55 a.m.

E/14/46.

## **Commissioning of New School Places for Implementation from September 2015 and September 2016 in Central Bedfordshire**

The Executive considered a report from the Executive Member for Children's Services that outlined three projects within the Council's New School Places

Programme where local pressures of demographic growth within each school's existing catchment area required new school places to be provided from September 2016. This related to Edward Peake Church of England (C of E) Voluntary Controlled (VC) Middle School, Stratton Upper School in Biggleswade and Silsoe C of E VC Lower School. A further project was also required to provide new school places in Stotfold with a target implementation date of September 2015.

In response to questions, the Executive Member for Children's Services noted that this programme affected the ward of Northill as well as those wards listed in the report.

Reason for decision: To ensure the Council continued to meet its statutory obligations to provide sufficient school places and also to meet the legal requirements placed on the Council by the Education and Inspections Act 2006 regarding proposals to expand maintained schools. Commitment to expenditure and final approval of the proposal set out in resolution 4 would be determined by the Council's Executive in December 2014, informed by the outcome of the consultation exercises and business case which was to be prepared by the Roecroft Lower School.

## **RESOLVED**

1. (i) **that the procedures established by The Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, have been complied with in bringing forward the proposals to expand Edward Peake C of E VC Middle School, Biggleswade and Silsoe C of E VC Lower School as outlined in the report be confirmed;**
- (ii) **that receipt of a representation in respect of the proposal to expand Silsoe C of E VC Lower School and the statutory notice as set out in Appendix A to the report, issued on the 2 June 2014 under Section 19(1), of the Education and Inspections Act 2006 be confirmed. No representations were received in respect of the proposal to expand Edward Peake C of E VC Middle School and the statutory notice as set out in Appendix B to the report, issued on the 2 June 2014 under Section 19(1), of the Education and Inspections Act 2006;**
- (iii) **that the statutory proposal to expand Edward Peake C of E VC Middle School, Biggleswade from its current capacity of 480 places to provide a total of 600 places with an implementation date of September 2016 be approved, thereby approving the commencement of the project and related expenditure, subject to the grant of planning permission under Part 3 of the Town and Country Planning Act 1990 by 1 September 2015;**
- (iv) **that the statutory proposal to expand Silsoe C of E VC Lower, Silsoe from its current capacity of 135 places to provide a total of 225 places, an 8 place SEN provision for children with**

**behavioural Emotional and Social Difficulties and a 45 place pre school with an implementation date of 1 September 2016 be approved, thereby approving the commencement of the project and related expenditure, subject to the grant of planning permission under Part 3 of the Town and Country Planning Act 1990 by 1 September 2015.**

- 2. that the proposal to expand the Academy of Stratton Upper School in Biggleswade from its current capacity of 1250 places to provide 1650 places with a phased implementation date of 1 September 2016 be approved, thereby approving the commencement of the project and related expenditure, subject to the approval of the Education Funding Agency and the grant of planning permission under Part 3 of the Town and Country Planning Act 1990 by 1 September 2015;**
- 3. that the commencement of consultation and the publication of statutory notices for the proposal to permanently expand Roecroft Lower School, Stotfold from its current capacity of 300 places to provide a total of 450 places with an implementation date of September 2015 be approved. The school would also be invited to prepare a business case which would be subject to approval by the Council's Executive in its final determination of the proposal in December 2014; and**
- 4. that the capital expenditure from the Council's New School Places Programme, as indicated in Appendix D to the report, to relocate Pippin Pre School within the boundary of Roecroft Lower School, Stotfold to enable existing and future pressures on Roecroft Lower School's accommodation to be managed, be approved.**

**E/14/47. Budget Strategy and Medium Term Financial Plan**

The Executive considered a report from the Deputy Leader and Executive Member for Corporate Resources that proposed the medium term financial planning framework for 2015-16 through to 2018-19. The formal process would lead to the setting of a budget and Council Tax rate in February 2015.

Reason for decision: To enable the Council to have a framework to meet the financial challenges faced by the Council over the medium term.

**RESOLVED**

- 1. that the risks and uncertainty including those arising from the 2015 General Election and the likelihood of further austerity measures in the years following be recognised;**
- 2. that the proposed framework for the updating of the Medium Term Financial Plan and the preparation of a Budget for 2015/16 be endorsed; and**

**3. that the timetable for the consultation process be endorsed.**

E/14/48. **Superfast Broadband Extension Programme**

The Executive considered a report from the Executive Member for Regeneration that proposed that the Council should fund an additional £350,000 capital, over the £1.5 million already approved, to further extend superfast broadband coverage as part of the Council's participation within the Broadband Delivery UK Superfast Extension Programme. This would be matched by £300,000 Broadband Delivery UK to allow approximately an additional 1,200 premises to be supported. It was estimated that spend would be undertaken in 2016/17 and 2017/18 financial years.

In response to questions, the Deputy Executive Member for Corporate Resources agreed that the Sustainable Communities Overview and Scrutiny Committee would be provided with an opportunity to consider the superfast broadband extension programme. The Deputy Executive Member acknowledged that some of the smaller villages in Central Bedfordshire were having difficulties accessing broadband. The aim was to ensure that all premises in Central Bedfordshire had access to the infrastructure to be able to provide at least 2 megabits per second. Towns and villages not in the existing programme would be considered as part of the January/February 2015 programme.

Reason for decision: To secure additional external resources and put in place the necessary infrastructure at the earliest opportunity to accelerate and extend the delivery of superfast broadband to Central Bedfordshire residents and businesses in line with achieving the Council's Medium Term Plan Objectives and Joint Local Broadband Plan.

***RECOMMENDED to Council***

***that an additional £350,000 capital funding to secure additional external funding, and to extend coverage of superfast broadband infrastructure be approved.***

E/14/49. **Policy to Discharge the Council's Homelessness Duty to a Suitable Property**

The Executive considered a report from the Executive Member for Social Care, Health and Housing that set out the proposed Policy to Discharge the Council's Homelessness Duty to a Suitable Property. There was a growing demand from residents approaching the Council, as potentially homeless, and this had implications on resources and how the Council made best use of housing stock to meet housing need.

Reason for decision: To introduce more flexibility in preventing homelessness through the offer of private sector accommodation and use social housing to maximum effect with an increase in planned allocation.

## **RESOLVED**

**that the Policy to Discharge the Council's Homelessness Duty to a Suitable Property, as set out in Appendix A to the report, be adopted.**

### **E/14/50. June 2014 - Quarter 1 Revenue Budget Monitoring Report**

The Executive considered a report from the Deputy Leader and Executive Member for Corporate Resources that set out the financial position for 2014/15 as at the end of June 2014. The report also set out the spend to date against the profiled budget and the forecast financial outturn. It was noted that the forecast position as at June 2014 was an overspend of £0.7m.

Reason for decision: To facilitate effective financial management and planning.

## **RESOLVED**

- 1. that the Revenue forecast position which is currently to overspend budget by £0.7m be noted; and**
- 2. to request officers to continue with their efforts to achieve a minimum balanced outturn or an underspend.**

### **E/14/51. June 2014 - Quarter 1 Capital Budget Monitoring Report**

The Executive considered a report from the Deputy Leader and Executive Member for Corporate Resources that provided information on the projected capital outturn for 2014/15 as at June 2014. The gross forecast was to spend £111.7m compared to a budget of £116.8m. The variance of £5.1m was a result of proposed deferred spend to 2015/16 of £9.4m and overspend of £4.3m.

Reason for decision: To complete schemes currently underway and facilitate effective financial management and planning.

## **RESOLVED**

- 1. that the overall forecast position which is to spend £111.7m compared to a budget of £116.8m be approved; and**
- 2. to request officers to carefully examine their forecast spend to determine how realistic the proposals to defer spend into 2015/16 are.**

E/14/52. **June 2014/15 (Q1) Housing Revenue Account Budget Monitoring Revenue and Capital Report**

The Executive considered a report from the Executive Member for Social Care, Health and Housing and the Deputy Leader and Executive Member for Corporate Resources that provided information on the 2014/15 Housing Revenue Account projected outturn revenue and capital position as at June 2014. The revenue forecast projected a year end surplus of £6.684m compared to a budgeted surplus of £6.191m, an improvement of £0.493m.

Reason for decision: To facilitate effective financial management and planning.

**RESOLVED**

1. **that the revenue forecast position to achieve a balanced budget with a contribution to Housing Revenue Account reserves of £6.684m, thus strengthening the Council's ability to invest and improve its stock of Council houses be noted;**
2. **that the capital forecast position indicates an outturn on budget (£17.942m) which includes deferred works from 2013/14 relating to Priory View of £2.325m be noted; and**
3. **that Right to Buy sales would be monitored for the possible impact on predicted surpluses in the medium to longer term.**

E/14/53. **Urgent item of business - Gypsy and Traveller Plan**

By virtue of the authority vested in the Chairman in accordance with Section 100(b)(4)(b) of the Local Government Act 1972, he had agreed to allow this additional item to be considered at the meeting as a matter of urgency as consideration of this item could not be delayed to the next scheduled meeting of the Executive and therefore needed to be considered as a matter of urgency.

The Executive considered a report from the Executive Member for Regeneration that proposed the withdrawal of the Gypsy and Traveller Local Plan from the Examination process, in light of the matters raised by the Planning Inspector.

In response of questions, the Executive Member for Regeneration explained that the Council required the Plan to be withdrawn from the Examination process to allow Officers time to respond to the issues raised by the Inspector in relation to the Plan. The Head of Development Planning and Housing Strategy explained that the Council had requested an adjournment to the

Hearings, but unfortunately this request had been refused. The Executive Member was now seeking permission to withdraw the Plan to allow Officers adequate time to clarify matters and to decide the best way forward.

Formal legal advice was being sought on any impact that the withdrawal would have on the Development Strategy, informal advice to date had been that as the Development Strategy set out how the Council was providing for the accommodation needs of Gypsies and Travellers there would be no repercussions for the Strategy by a decision to withdraw the Gypsy and Traveller Plan.

Reason for decision: To enable the Council to address the matters raised by the Inspector.

***RECOMMENDED to Council***

***the withdrawal of the Gypsy and Traveller Local Plan from the Examination process.***

E/14/54. **Future Residual Waste Disposal**

The Executive considered a report from the Executive Member for Community Services that set out a proposed approach to securing residual waste treatment and disposal services. The report proposed that the Council should enter into a contract through a neighbouring local authority's framework.

Reason for decision: To enable the continuation of residual waste treatment and disposal services in a way that was considered to deliver best value for the Council and provide savings against the current Medium Term Financial Plan.

**RESOLVED**

- 1. that the proposed approach to securing the residual waste disposal services as set out within the report and conditional on points 1 to 4 as set out in Appendix B be approved; and**
- 2. to delegate authority to the Community Services Director, in consultation with the Executive Member for Community Services, to enter in to a contract for residual waste treatment and disposal services.**

E/14/55. **Exclusion of the Press and Public**

**RESOLVED**

**that in accordance with Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt**

information as defined in paragraphs 2 and 3 of Part I of Schedule 12A of the Act.

E/14/56. **Future Residual Waste Disposal**

See minute E/14/54 above for details.

E/14/57. **Request for Executive Authorisation to Contract Out Homelessness Functions to Third Parties**

The Executive considered a report from the Executive Member for Social Care, Health and Housing that sought approval to authorise homelessness functions to be delegated to the Director of Social Care, Health and Housing, including specifically authorising contracting out certain functions to third parties, limited to 10 years, in accordance with legislation and the Constitution.

Reason for decision: To ensure that the Council has robust homelessness arrangements in place.

**RESOLVED**

1. **that the authorisation of the delegation and/or contracting out of homelessness reviews as part of the Council's functions under Part VII of the Housing Act 1996 to the Director for Social Care, Health and Housing to contract out to Independent Reviews Limited as set out in the Contract dated 27 January 2014 ("Contract") pursuant to sections 69 and 70 Deregulation and Contracting Out Act 1994, Regulation 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and all other necessary powers be ratified. This delegation was to the Director of Social Care, Health and Housing for a maximum period of 10 years starting from 1 January 2013;**
2. **to authorise the Director of Social Care, Health and Housing to enter into the Contract as forming part of the Council's responsibilities for homeless people which includes reviewing decisions in relation to applications for homeless accommodation and/or assistance;**
3. **that these authorisations were to have effect retrospectively, in particular in relation to the exercise of homelessness reviews (as Part VII functions) by Independent Reviews Limited, to date and for the remainder of the 10 year period from 1 January 2013 in the event that the arrangements were extended for such duration be ratified;**
4. **in the alternative to (3) above, the matters in (1) – (2) for what remains of the period be ratified/authorised, from 19 August 2014; and**

5. **to authorise the Director of Social Care, Health and Housing to enter into contracts for the delegation/contracting out of the Council's functions under Part VII of the Housing Act 1996 with a third party pursuant to sections 69 and 70 Deregulation and Contracting Out Act 1994, Regulation 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and all other necessary powers. This delegation was to the Director of Social Care, Health and Housing for a maximum period of 10 years starting from 1 January 2013 or in the alternative from 19 August 2014.**

(Note: The meeting commenced at 9.30 a.m. and concluded at 1.20 p.m.)

Chairman .....

Dated .....

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