

MAYOR AND CABINET		
Report Title	Call-in of Mayoral Decision – New School Approval Process - Update	
Key Decision	Yes	Item No. 2
Ward	All	
Contributors	Chief Executive (Head of Business & Committee)	
Class	Part 1	Date: 25 July 2007

1. Summary

This report informs the Mayor and Cabinet of a call-in and associated comments agreed by the Overview & Scrutiny Business Panel on July 24 in accordance with Paragraph 14 of the Overview and Scrutiny Procedure Rules.

2. Purpose of the Report

To inform the Mayor of the reasons agreed for the call-in and to ask him to reconsider a decision made on the New School Approval Process - Update.

3. Recommendations

(1) The Mayor is requested to respond to the call-in made by the Overview & Scrutiny Education Business Panel as described in paragraph 5.3 below:

(2) The Mayor is asked to consider the three associated comments agreed by the Overview & Scrutiny Education Business Panel as described in paragraphs 6.2 to 6.4 below:

4. Background

4.1 At a meeting of the Mayor & Cabinet held on July 11 2007 the Mayor considered a report entitled 'New School Approval Process – Update'.

4.2 The Mayor considered an officer report and also received a representation from Mr Martin Powell-Davies on behalf of the Lewisham Local Joint Committee (schoolteachers) Union side and then made the following determination in respect of the report:

The Mayor resolved:-

- (i) *That the decision of the School Organisation Committee of 24 April 2007 to revoke the decision of the School Organisation Committee of 16th March 2006 to open a new Local Authority maintained 11-16 co-*

educational community school from September 2009 on the current site of the Ladywell Leisure Centre, Lewisham High St, SE13 be noted;

- (ii) That the response from the Secretary of State rejecting the Council's application for exemption from the competition requirements be noted;*
- (iii) That the Leathersellers are considering making an application to the Secretary of State for exemption from the competition requirements as prescribed by Section 10 Education and Inspections Act 2006 with a view to opening the new school in September 2010 be noted;*
- (iv) That if an exemption is not granted to the Leathersellers by end of September 2007 authority be delegated to the Executive Director for Children and Young People on the advice of the Head of Law, proper processes be pursued for a competition to establish a new all-age school on the site of Lewisham Bridge Primary School, incorporating 1FE of primary provision and 4FE of 11-16 provision, and the key elements on the proposed competition specification be approved.*

4.3 In accordance with the Constitution, this decision was notified to all members of the Business Panel within 2 days of being made.

5. Overview & Scrutiny Education Business Panel – Reasons for Call-in

5.1 The Overview and Scrutiny Committee Education Business Panel considered the Mayor's decision, the original officer report and further oral advice from the Head of Law. The Head of Law informed members that the financial implications shown in the July 11 report had been printed in error having been taken from a previous report and were inappropriate.

5.2 The Head of Law went on to explain that the financial implications were inaccurate as they hypothecated potential capital receipts for use in respect of the new school, whilst this is not necessary and in any event may not be realised. A decision on the future of Ladywell Leisure Centre has yet to be made.

5.3 The Head of Law reminded the Panel that decisions on the capital programme were matters for the Council when it sets the capital programme annually. Any shortfall in the costs of procuring the new school may have to be met as part of a future capital programme. The Head of Law reported that the Executive Director for Resources wished to submit amended, accurate, financial implications to be considered by the Mayor

5.4 Having received the Head of Law's presentation, the Business Panel resolved to call in the Mayor's decision; asking him to consider revised financial implications and to decide whether his original decision needed to be revised.

6. Overview & Scrutiny Education Business Panel – Other Comments

- 6.1 In addition to the formal call in, the Education Business Panel also agreed a series of comments they wish to submit to the Mayor.
- 6.2 The Panel agreed to request the Mayor to use all statutory or informal powers at his disposal to ensure the new school forms part of the Lewisham banding system for admissions.
- 6.3 The Panel expressed concern that a decision made by the Secretary of State on May 31 to deny exemption from competition requirements was first seen by local and other members when it appeared as part of the Mayor and Cabinet agenda on July 11. The Panel asked that the Executive Director for Children & Young People explain why this decision was not communicated to members earlier and to give assurances that major developments regarding the new school be notified to members in a timely manner.
- 6.4 The Panel noted the abolition of the School Organisation Committee and asked that the Executive Director for Children & Young People report to them on successor arrangements including provisions for the future reporting on school organisation matters

7. Legal Implications

- 7.1 The Council's Constitution provides that where the Overview & Scrutiny Business Panel requests that the Mayor reconsider a decision it shall not become effective until he has done so. There may be no further call-in of the decision.
- 7.2 It is essential that a decision is made on a consideration of all relevant considerations and ignoring irrelevancies. On this basis a decision must not be one which no reasonable authority could come to. Accurate financial implications are a relevant consideration.
- 7.3 All members must be aware that they must disregard the financial implications from the report of 11 July, and retain an open mind as to the future of the Ladywell Leisure Centre with which another report on this agenda is concerned.

8. Financial implications

The cost of meeting the secondary school element of the new school will be funded from within the BSF programme. A contribution in respect of the primary element may need to be funded from the Council's capital programme. There are further implications elsewhere on this agenda.

9 Other considerations

The matters referred to in the report of 11 July remain unaffected save to the extent referred to in this report

BACKGROUND PAPERS

If you have any queries on this report, please contact Olga Cole Senior Committee Officer, 0208 3148577 or Kevin Flaherty, Head of Business and Committee, 0208 3149327