

## **COUNCIL – 27 OCTOBER 2011**

### **REPORT OF THE LEADER OF THE COUNCIL – MATTERS DEALT WITH IN ACCORDANCE WITH RULE 17 OF THE SCRUTINY PROCEDURE RULES (CALL-IN AND URGENCY)**

I wish to report that the Chair of the relevant Overview and Scrutiny Committee gave his consent, under Rule 17 of the Scrutiny Procedure Rules, to the following issue being dealt with, on the basis that the decisions could not be reasonably deferred and therefore not subject to call-in.

### **CABINET – URGENT BUSINESS COMMITTEE - 10 AUGUST 2011**

#### **9. ACADEMY CONVERSION AGREEMENTS**

Further to Minute No.11 of the meeting of the Overview and Scrutiny Committee (Children's Services) held on 9 August 2011, the Committee considered the report of the Strategic Director - People that sought authorisation for officers to sign the documentation required by the Government's academy conversion process.

The report indicated that the conversion of schools to academies was a statutory process under the Academies Act 2010; that the Secretary of State for Education had made Academy Orders in respect of seven schools in Sefton namely:-

Birkdale High School (conversion date August 2011)  
Chesterfield High School (conversion date October 2011)  
Deyes High School (conversion date September 2011)  
Formby High School (conversion date September 2011)  
Greenbank High School (conversion date November 2011)  
Maghull High School (conversion date October 2011)  
Range High School (conversion date October 2011)

that the Orders provided that on the conversion date, the schools in question would become academies and cease to be maintained by the Local Authority; and that the principal issues relating to the conversion were the transfer of staff, the transfer of land and the transfer of assets and contracts. It was proposed that these issues be dealt with in two documents, a Commercial Transfer Agreement and a Lease Agreement and the report detailed the advantages to the Council of entering into such agreements.

RESOLVED: That

- (1) the statutory requirements regarding academy conversion be noted;
- (2) the Director of Young People and Families and the Head of Corporate Legal Services be authorised to complete the necessary agreements required as part of the academy conversion process for the schools currently seeking academy conversion;

- (3) it be noted that the proposal was a Key Decision but, unfortunately, had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Chair of the Overview and Scrutiny Committee (Children's Services) has been consulted under Rule 15 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the Cabinet (Urgent Business Committee) as a matter of urgency on the basis that it was impracticable to defer the decision until the commencement of the next Forward Plan because of the timescales determined by the academy process; and
- (4) it be noted that the Chair of the Overview and Scrutiny Committee (Children's Services) had given his consent under Rule 17 of the Scrutiny Procedure Rules for this decision to be treated as urgent and not subject to "call-in" on the basis that they cannot be reasonably deferred because the timescales dictated by the academy conversion process for Birkdale High School, which are beyond the control of the Council require the resolution to be acted upon immediately following the meeting; that the Council, in order to minimise the risk to it upon the proposed conversion of Birkdale on 17<sup>th</sup> August, is required to establish commercial transfer and lease agreements with the school; and that the report considered by the Cabinet (Urgent Business) Committee on 10<sup>th</sup> August 2011 will have been 'pre scrutinised' by the Overview and Scrutiny Committee (Children's Services) on 9<sup>th</sup> August 2011.

Councillor P. Dowd  
Leader of the Council