

MINUTES of the meeting of Cabinet held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Thursday 25 November 2010 at 2.00 pm

Present: Councillor RJ Phillips (Chairman)

Councillors: LO Barnett, AJM Blackshaw, JP French, JA Hyde, JG Jarvis, PD Price and DB Wilcox

In attendance: Councillors PA Andrews, WLS Bowen, PJ Edwards, J Goodwin, MAF Hubbard, TM James, RI Matthews, PM Morgan, AT Oliver, SJ Robertson

66. APOLOGIES FOR ABSENCE

Apologies were received from Councillor H Bramer.

67. DECLARATIONS OF INTEREST

6. DILWYN CHURCH OF ENGLAND PRIMARY SCHOOL: DETERMINATION OF PROPOSAL TO CONTINUE.

Councillor AJM Blackshaw, Personal, School Governor of Canon Pyon CE Primary School.

Councillor RJ Phillips, Personal, School Governor of Pembridge CE Primary School.

Councillor WLS Bowen, Personal, School Governor of Kingsland CE Primary School.

68. MINUTES

RESOLVED that:

The Minutes of the meeting held on 21 October 2010 be approved as correct record and signed by the Chairman.

69. INTEGRATED CORPORATE PERFORMANCE REPORT

Cabinet received a report which provided an overview of performance in the first half of the year against the Joint Corporate Plan 2010-13.

RESOLVED that:

Cabinet considers performance to the end of September 2010 and the measures being taken to address areas of underperformance.

70. RESPONSE TO THE SCRUTINY REVIEW OF COMMUNICATION WITH THE PUBLIC ABOUT SERVICES AND ACCESS TO THOSE SERVICES

The Cabinet Member Corporate Customer Services and Human Resources introduced the report which sought approval to the Executive's response to the scrutiny review of communication with the public about services and access to those services. Cabinet was

advised that the recommendations were in line with those of Grant Riches, who had undertaken a formal review of the wider public relations and communications team.

The Deputy Chief Executive stated that the work undertaken by Grant Riches had provided much interesting benchmarking information which confirmed that, in comparison with others, Herefordshire was doing more with less in relation to communications and public relations. The corporate approach would progress to centralise budget and consolidate activities. It was emphasised that communications was the responsibility of all members and officers. The importance of good communications, both in terms of delivery on strategy and day to day was highlighted.

The Chairman of the Review Group commented on the positive synergies of both the scrutiny review and the Grant Riches work, even though their remits focussed on different aspects of the communications work. The group had been surprised by the sheer volume of leaflets and had commented on the use of language which was considered to be unfriendly in some cases. Responding to the recent headline in the local press about webcasting of meetings, the Chairman of the Review Group was pleased to take the opportunity to emphasise that the recommendation of the Group had been that a trial be undertaken to assess its merits and demerits.

In discussion the following points were raised:

- It was encouraging to note that Herefordshire Matters was considered a confident media source by 92% of those responding.
- Comments were made that Herefordshire Matters' political neutrality should be reviewed as it was stated that there was too much emphasis on the administration's view. In response, it was stated that this was not accepted as; Herefordshire Matters was a joint publication with NHS Herefordshire; articles were checked for political bias and revised as necessary; and that a section on scrutiny matters was included in each publication. Officers regularly sought relevant and appropriate articles for inclusion in future editions.

RESOLVED that:

The Executive response be approved.

71. DILWYN CHURCH OF ENGLAND PRIMARY SCHOOL: DETERMINATION OF PROPOSAL TO CONTINUE

The Cabinet Member ICT, Education and Achievement presented the report on Dilwyn Church of England Primary School and highlighted the following points:

- All evidence concluded that Dilwyn School was not a stand alone viable and sustainable educational facility within the Herefordshire framework of schools. The evidence had not changed since the closure notice was debated at Cabinet on 12 July 2010.
- The local authority had, over the last eighteen months, supported and assisted Dilwyn School in looking at ways to work with others and in maintaining the level of provision at the school. The federation proposal prepared by the Headteacher of St Mary's Roman Catholic (RC) School, Lugwardine, with the support of school governors, was the only hope of keeping Dilwyn School open.
- Following the notice of closure of Dilwyn School, as agreed at Cabinet, a period of consultation had taken place. The local authority received support from many people in the Dilwyn area which placed an emphasis on allowing the federation to be given a chance.
- Significant time and effort had been put into updating the federation proposal by St Mary's RC School which had been supporting Dilwyn School for some time at their own cost.

- The submission of the new proposal was supported by the Governors of St Mary's RC School, so long as it received unanimous support from both the Diocese of Hereford and the Arch Diocese of Cardiff, and that the viability and sustainability of provision was ensured so that St Mary's RC School would not be placed in a position whereby financial assistance would have to be given.
- The Diocese of Hereford, the Arch Dioceses of Cardiff, and the Governors of St Mary's RC School were not now in support of the federation proposal.

The Interim Director of Children's Services informed Members of recent events and formally introduced a joint statement signed by representatives from the Diocese of Hereford, the Arch Diocese of Cardiff, the Governors of St Mary's RC School and the local authority on 22 November 2010, which had been circulated at the meeting. Cabinet was specifically directed to the points outlined in the key consideration section of the report, which set out the process, issues raised and the response to the issues raised. The following points were highlighted:

- The statutory notice, published on 9 September 2010, invoked a six week period during which time anyone could comment on or object to the proposal.
- All the 67 responses to the statutory notice objected to the proposal and the points raised considered in the development of the report.
- The responses indicated strong support to the continuation of the school both for educational reasons and to ensure the sustainability of the community.
- The majority of the respondents favoured the proposal to federate with St Mary's RC School. In several responses the view was expressed that such a proposal would attract more pupils as currently the pupil numbers were low as parents had chosen alternative schools due to the long term perceived threat of closure for Dilwyn School. It was emphasised to Cabinet by the Director that the points raised in relation to the raising of pupil numbers were not substantiated.
- The claims outlined in some responses that the local authority had failed to meet due statutory processes, that there had been bias in the presentation of data and information, misrepresentation, predetermination of decisions and coercion of Diocesan opinion, were firmly refuted by the Director of Children's Services.

The Director of Children's Services drew Members' attention to the joint statement which outlined the steps taken to seek a collective solution to maintaining Dilwyn School in the long term and provided a context to some of the statements made.

- The feasibility of joint faith collaboration had been explored in detail and a revised proposal dealt with many complex issues. The Director of Children's Services and others had met with the Governors and Headteacher of St Mary's to identify key areas of changes or areas which required to be addressed.
- The revised proposal was supported by the Governors of St Mary's RC School so long as it received unanimous support from both Diocese and that St Mary's RC School was not placed in a position whereby financial assistance would have to be given.
- The Diocesan Board of Education of Hereford voted, by a slim majority to support the proposal for St Mary's RC and Dilwyn Schools working in a partnership, however many questions remained unanswered, issues unresolved and opportunities required further development. In particular assurances the following areas had not been met; safeguarding; quality of education, particularly of children in small cohorts; financial support of £100,000 over 5 years would be required; and the pupil numbers. Additionally the revised submission did not adequately address issues of sustainability.
- Following further considerations, serious concerns continued to be expressed by the two Dioceses, the local authority and the Governors of St Mary's regarding financial viability and long term sustainability and these concerns remained unreconcilable.

- A considerable amount of work had been undertaken to seek a solution and much consideration had been given to the content of joint statement.

The Leader reminded Members that the decision made by Cabinet on 12 July 2010 had been made within the context of the small schools policy which had been in place for seven years. The policy had not been challenged by any political group on the council or by any governing or educational body in the county. The work undertaken on joint faith collaboration was welcomed and whilst not materialising on this occasion would be worthy of any appropriate future considerations. The view was expressed that a faith based environment benefited the personal development of children. It was confirmed that during this period of consultation no approach for local clustering with Dilwyn School had come from any other school in the Weobley pyramid.

In responding to questions from Cabinet, the Director of Children's Services stated that:

- In respect of the need for financial support of £100,000 over five years, for there to be a change in perception, it would be essential for Dilwyn School to have a life opportunity of four to five years. Around £20,000 would be required annually to sustain the current position. Such a position would need to be kept under review to ensure elements such as quality and deliverability of educational standards.
- All requirements of the statutory processes had been met. Indeed the spirit of collaboration and supportiveness by all involved at both the formal and informal parts of the process exceeded the prescribed requirements.
- With the exception of responses from Dilwyn School and St Mary's RC School, no other schools in the cluster area had responded.

The Leader of Herefordshire Independent Group stated that it would be the wrong decision to close Dilwyn School and that such a decision did not take account of the future possibilities that new housing could bring into the community, especially in relation to the Place Shaping consultation. Losing a school would be detrimental to village life and it would be a sad day if it was to close. It was stated that 30 children, within Dilwyn School's catchment area, attended other schools; and as the school was under threat it was understandable why parents chose alternative educational options. The local community had promised £20,000 to assist in maintaining the school in Dilwyn; such a pledge demonstrated the strength of feeling and good will in the community.

The Leader of the It's OUR County! Group made the following points and sought clarification as appropriate:

- Should Dilwyn School's roll exceed 40 pupils (the point at which it was believed the school would become viable), would the £100,000 financial support still be required?
- Evidence had been seen to suggest that 13 children did not attend Dilwyn School due to the threat of closure. Had this evidence been fully examined and been considered when forming a decision? It was understood that 21 children would consider going to the school in the future if it remained open.
- There was evidence to demonstrate how well Dilwyn School supported disadvantaged children such as those from traveller families and those who had been bullied in other schools.
- The situation should have been appropriately supported previously as it had been evident for many years.
- Whilst the work and efforts to find a solution were applauded, concern was expressed that the joint statement had been made only two days previously, which seemed to be very last minute.
- In relation to safeguarding it was requested that a flexible approach be considered.

In responding to some of the points raised, the Leader:

- Stated that as a previous local member for the Dilwyn area the suggestion that the work undertaken was a last minute effort was misplaced as deliberations had been going on for a long time. Much work had been previously undertaken to improve less than adequate sanitary provisions for the school.
- Emphasised that the Arch Diocese had been consistent in its approach.
- Reminded Members that parents had a choice in determining the schools which their children attended, as such there were consequences to their actions. The impact of such choices could be difficult for rural authorities such as Herefordshire; however the aim would be that, by definition all schools should be good so that parents' first choice would be their local school.

The Director of Children's Services provided the following responses to specific comments and questions:

- Issues relating to the future of housing had been looked into, however whilst the scheme had not been fully developed at this stage it had been assessed that the number of homes built would not generate a sufficient change to the number of primary age children in the area to make the school sustainable.
- In relation to supporting schools, colleagues in the Children and Young People's Directorate had provided much support to schools especially those with falling rolls, over the last years. For Dilwyn this had included considerable support from the Improvement and Inclusion Division and on-going support over 18 months from the school places team to consider options to re-establish the financial viability and long term sustainability of the school.
- A school roll of 40+ would not guarantee Dilwyn Schools' financial viability.
- An increase in pupil numbers would by definition result in a consequential decrease in the level of financial support required.
- Consultation had been undertaken with parents of local children who chose not to attend Dilwyn School. None had stated that the possible closure of Dilwyn School had impacted on their decision, for people to believe otherwise went against the evidence gained.
- Assurances were given that current and future pupil numbers had been reviewed. The figure quoted of 21 children who would otherwise attend Dilwyn School was not recognised. Members were advised that consideration of pupil numbers needed to take account of such variables as phasing and cohort sizes to maintain pupil levels.
- It was recognised that the current children in Dilwyn School were part of a happy community and compliments were given on the how the school dealt with the children's general welfare and well being. Herefordshire as a whole had received a positive response to the OfSTED inspection.
- Detailed discussions started 18 months ago. The perceived tight timescales illustrated by the signing of the joint statement reflected the serious consideration of the proposal by all.
- When considering safeguarding it was essential to consider risks involved and form judgements. The judgement of the Director of Children's Services was that whilst the revised proposal dealt with some of the outstanding issues, it did not deal with all.

The Leader of the Liberal Democrat Group:

- Said that should the closure of Dilwyn School be agreed, the local community would have been let down.
- Stated that local families had been actively discouraged from sending their children to the school by the local authority as the long term future of the school was under question.

- Expressed the view that the plan envisaged four years ago to amalgamate or close 37 schools in the county was starting to be enacted in a piecemeal manner.

The Director of Children's Services in responding to comments from Cabinet confirmed that all comments and points raised in the responses had been looked at in detail and been given due consideration. His professional view was that there remained no avenue to pursue. The most sensible option in order to safeguard quality of education and other interests would be to close Dilwyn School and to ensure a continuum for the children to other establishments as smoothly and easily as possible.

The Local Ward Member was invited to speak and stated that the landowner, who wished to develop housing on his land, had not received a satisfactory answer from the local authority on planning issues. Having consulted with Tyrrels, a significant amount of workers would be interested in affordable housing in the village.

The Director of Children's Services provided assurance that the provision of possible future housing had been considered as a factor in reaching a recommendation, and it had been considered that the potential housing numbers would not deliver a sustainable or sufficient number of primary age children in the mid to long term. Whilst the detail of planning considerations was outside the remit of the Children and Young People's Directorate, the Cabinet Member Economic Development and Community Services stated that currently there was no funding for affordable housing schemes to come forward.

The Leader emphasised and commented on the work carried out to find a sustainable and viable solution for Dilwyn School. The report and the fulsome joint statement indicated that a sustainable option was not possible

RESOLVED that:

Dilwyn Church of England Primary School be discontinued on 31 August 2011.

72. BUDGET MONITORING REPORT 2010/11

Cabinet considered a report on the forecast financial position for both revenue and capital to 31 March 2011 and were updated on the Directorates' recovery plans instigated to address projected overspends. Additionally the report provided information on treasury management activities in the first six months of 2010/11 and the number and amounts written off for individual debts exceeding £1,000 covering the period 1 April 2010 to 30 September 2010.

The Cabinet in discussion make the following comments:

- The finance team was congratulated on clearer budgeting and reinvestment.
- The rise in write offs was noted as a feature of the current economic climate, but needed to be monitored.
- Whilst appreciating that the pattern of reported overspend was as in previous years, the action from JMT on recovery plans and the reduction in discretionary spend was welcomed.
- 2010/11 would be the last year that local government would be financed to the current degree. Future years would be different and challenging. It was essential to explain to the public how the council would deliver its obligations in such changing times.
- Particular note was given to the council's treasury management expertise in dealing with short term borrowing and liquidity management as well as the

council's AAA rating. A 50 year borrowing term of 3.9% was highlighted as being very beneficial to the council. Responding to a concern about borrowing exposure, assurance was provided that, as indicated in the treasury management interim report, the council's borrowing exposure was conservative.

- It was recognised that financial issues relating to the Integrated Commissioning Directorate would remain. A further £2billion had been announced from Government to support local government over the next four years as the acute need of Adult Social Care had been acknowledged as an issue across all local authorities.

In responding to comments and questions, the Director of Resources stated that:

- In managing of the council's finances it was essential to balance risk against opportunity. Assurances were provided that policies were in place to ensure that sound decisions were made, however no decision would ever be risk free.
- In recognising that there had been some concerns about collecting information across systems, the council would be implementing the Agresso system across all Directorates from April 2011.

RESOLVED that:

- a) the report and the forecast deficit position of £2.4m be noted;**
- b) the Chief Executive's requirement that Directors deliver recovery plans to support delivery of balanced revenue budget be noted; and**
- c) it be noted that 66 debts totalling £185k be written off.**

The meeting ended at 3.20 pm

CHAIRMAN