

CABINET

19 SEPTEMBER 2011

TIME: 19:15 – 21:14

PRESENT: Councillor Stephen Alambritis (in the Chair); Councillors Mark Allison, Mark Betteridge, Andrew Judge, Linda Kirby, Edith Macauley, Maxi Martin, Peter Walker and Martin Whelton.

ALSO PRESENT: Councillors Iain Dysart, Suzanne Grocott, Jeff Hanna and Peter Southgate.

Other attendees:

Fiona Duffy, Head Teacher of Dundonald School
Duncan Russell, Chair of Governors Dundonald School
Speakers: Chloe Jarvis, Simon Horner and Keith Maries

Order of Business

The Leader advised that agenda items 4 and 11 would be taken together.

1 APOLOGIES (Agenda Item 1)

None advised.

2 DECLARATIONS (Agenda Item 2)

Agenda Item 6 – Response to Recommendations from Scrutiny Review of the Night-time Economy - Councillor Martin Whelton declared a personal interest on the basis of his being a member of the Merton Licensing Committee.

3 MINUTES (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 18 July 2011 are agreed as a correct record.

4 REFERENCE FROM THE CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY PANEL ON THE PROPOSED EXPANSION OF DUNDONALD PRIMARY SCHOOL AND IMPACT ON DUNDONALD RECREATION GROUND (Agenda Item 11)

Reason for Urgency

The Chair agreed the submission of this report in order to inform Cabinet of the outcome of the Children and Young people Overview and Scrutiny panel pre-decision scrutiny meeting on 15 September 2011.

Cabinet had regard to the recommendation of the Children and Young People Overview and Scrutiny Panel, namely:

That Cabinet consider the views and comments made by the Panel, as set out in paragraph 2.34 onwards of the submitted report, when taking its decisions on the

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proposed expansion of Dundonald School.

5 DUNDONALD PRIMARY SCHOOL - PROPOSED EXPANSION TO 2 - FORMS OF ENTRY (Agenda Item 4)

The Leader confirmed that, on advice, Councillor Peter Walker had decided not to take part in the decision-making relating to this item (agenda item 4) and that he would read out a statement with the reasons for this.

Councillor Peter Walker made the following statement:

“Tonight the Cabinet has a responsibility to make a decision to expand Dundonald School. I am impressed that despite the local debate the school head and particularly the school governors have not reversed their positive view on the expansion of the school. As you know, I believe that as the Cabinet member for Education, I had a duty to support the proposal in public to expand the school. I am pleased that during that process, starting with our first consultation in October 2010, I have spoken at three public meetings in Dundonald to around 400 local residents. During that time I believe I and the council officers have listened respectfully to all the views expressed. In order, however, to avoid accusations that I have pre-determined my view on this specific proposal before the cabinet tonight I have decided not to make any recommendation. Instead I wish colleagues to make their own decisions based on the facts before them.”

The Director of Children, Schools and Families tabled an amendment to recommendations C i.e. add at the end of the text the phrase “and, if so advised for a modification to the restrictive covenant applying to the Dundonald Primary School site.”

Councillor Andrew Judge made a number of introductory comments in respect of the key issues relating to the council’s proposals i.e. the need for expansion, alternative sites and the legal position.

Officers presented to Cabinet the range of issues leading to the current position.

Councillor Linda Kirby stated that she had been anxious at the encroachment on the park. However, having heard the various statements from members and officers she now felt reassured.

The Chair invited members of the public, Chloe Jarvis, Simon Horner and Keith Maries to address the meeting.

Chloe Jarvis commented that:

unless the expansion takes place it is unlikely that her daughter will have an opportunity to get a place at Dundonald School and she was, therefore, pleased with the proposals that appear to present a solution but was shocked at the level of

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opposition expressed by the 'Save our Rec Campaign' (SRC) and by Conservative councillors who appeared to be taking a similar line;

on cost grounds it seems reasonable to expand an existing school rather than build a new one;

the SRC have exaggerated on a number of issues including the loss of green space on the basis that the expansion is to have the same footprint as that of the current pavilion;

the Council has disclosed its legal advice relating to the restrictive covenant but the 'Save our Rec Campaign has not made a similar disclosure suggesting, therefore, that the Council's advice is correct;

at the meeting of the Children and Young People Panel on the 15 September, Councillor Suzanne Grocott apparently commented that she spoke for her entire ward in opposition to the scheme. It is clearly not the case that the whole ward opposes the scheme. She may have meant that there may have been more people responding to the consultation against the scheme than those in favour. She failed to point out, however, that those people with pre-school children who responded to the consultation were in favour of the expansion and that it is these people who are suffering due to the shortage of places;

many people did not respond to the council's consultation exercise because they did not have any concerns at all with the proposals; and

the opposition of conservative councillors appears to be in contradiction to central government policy which suggests that excellent schools should be allowed to expand. Although the previous Conservative administration had plans to build a school in Gap Road they did not in the event build it and, even if it were to have been built, it would not have helped with the shortage of places in the Dundonald area.

Councillor Maxi Martin enquired of Chloe as to the public reaction to her producing and distributing posters in support of the expansion.

Chloe responded that there had been a positive reaction from local parents. Many parents had not realised that there had been a need to undertake such a task simply because they did not know that there had been such strong campaign against the expansion.

Simon Horner commented that:

notwithstanding that he can see the Dundonald school from his home, it is unlikely that his daughter would have secured a place at the school prior to the bulge year;

at the second consultation meeting there was endorsement after endorsement by previous students of the excellent opportunity the school had given them;

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the need for the expansion has been questioned but it is apparent that there is a demand. The local nurseries are full with waiting lists; and the parents who take their children to the nurseries do so in the main on foot;

two or three forms of entry is the norm and the school will do well to be expanded with the opportunity to broaden its after-school facilities; and

the expansion is to be supported as the opportunity to give children a good start in life is a good legacy to be part of.

Keith Maries commented that:

Responding to the point raised in respect of legal advice Keith Maries (representing the Save our Rec Campaign) commented that legal advice has been sought at a senior level and that that advice is correct; and

he confirmed that the SRC is not a political organisation and is pro-school expansion provided it is done in places sensibly and legally.

Responding to the point raised by Chloe Jarvis, Councillor Suzanne Grocott confirmed that she had not spoken on behalf of all the resident but that the majority of residents that had contacted her were against the expansion; and that she was aware of the problems for residents in Graham Road and that she had received letters from Graham Road residents advising that they could not get their children into the school. Councillor Grocott confirmed that ward councillors were not against the expansion but that, in view of there being a covenant on the Dundonald recreation ground, it is a matter of wanting the law upheld.

Councillor Jeff Hanna introduced the reference arising from consideration of the expansion proposals and thanked all those in attendance at that meeting and for their contributions. He advised that the Panel wished to ensure that the consultation that had already taken place was properly reflected in the report to Cabinet and taken into account as part of the recommendations; and to review the rationale and the recommendations that were being presented.

The Panel were assured that the essential requirements of the consultation process had been carried out without any shortcomings in the process that may have prevented all possible views from emerging. There were no new arguments put on the night either for or against the proposal.

The Panel considered the case for expansion and there were not any concerns expressed in respect of the rationale for expansion presented in the officer report.

The siblings policy was discussed but there was not any suggestion that this should change.

The use of open space was considered and this is discussed in paragraph 2.26 of

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the reference report and indicates a transfer of space from the recreation ground to the school of no more than 300 square metres. None of the panel members questioned the use of this amount of space to provide for the expansion of the school.

The impact of use of part of the recreation ground was discussed and it was understood that there would be an impact in respect of the bowling green. The full effect on the range of activities was discussed and this aspect is detailed in paragraph 2.28 of the reference report.

The school confirmed to the Panel that current standards would be maintained and there was a desire to encourage a sharing of the facility including community use.

The Panel were concerned that Cabinet should be fully aware of the covenant issues and the potential outcomes of any judicial review including the timescales taken up by either procedure.

The Panel had particular regard to the need to ensure full protection for the remainder of the Dundonald recreation ground.

Councillor Maxi Martin enquired of Fiona Duffy (Head Teacher) as to the benefits of the expansion.

Fiona Duffy indicated the benefits of economy of scale of a two-form entry in terms of resources and staffing. The current school hall is small and there will be clear benefits to a larger facility for both the school and the community. Excellent and continuous improvement in standards will remain the focus.

The Chair of Governors, Duncan Russell, expressed his view that the school benefits from an outstanding head teacher and the senior leadership team is excellent. Teaching staff are already in place and have experience of two-forms of entry. Overall there is not a perception of threat to the running of the school arising from the proposed expansion.

Councillor Edith Macauley enquired further as to the ability to maintain standards to which Fiona Duffy responded that it remains a core purpose to consistently seek to improve.

Councillor Martin Whelton enquired as to the number of applications made for places at Dundonald and which was confirmed by officers as being 420 for the 30 places although not all were 1st preference applications.

Councillor Mark Betteridge enquired of Duncan Russell as to his view about sharing the Dundonald facility with the community. Duncan responded that there is already a level of sharing and that the proposals allow the possibility to formalise this position.

The Chair thanked all those involved in this process and for their attendance at this

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meeting. In particular, he thanked the members of the scrutiny panel, Councillor Suzanne Grocott, the Head Teacher and Chair of Governors, the resident representatives and the resident representative of the SRC.

In concluding the discussion, the Chair summarised as follows:

that everyone has spoken and there are matters that need to be affirmed e.g. the point made by the scrutiny panel that officers put in place the strongest possible legal protection for Dundonald Recreation ground;

that, if the proposal should proceed, we are mindful of the need to minimise the disruption to buildings and the local environment arising from the contractual works;

that, if the proposal should proceed, we are mindful that there will be more trees and seating provided in the recreation ground and the local area;

that, if the proposal should proceed, we are mindful of the approach by the architects to undertake a joint appraisal of both the school and the recreation ground;

that, if the proposal should proceed, we are mindful of the comments made by Keith Maries about Council Tax payers money and the issues the Council has to balance between those who are delighted about living in one of the greenest boroughs in London and those who want their children to go to local schools;

that, if the proposal should proceed, we are mindful of the need to avoid legal difficulties;

that the Council has received Counsels advice and is happy to name the source of that advice; and

that the Chief Executive has agreed to meet with Lorraine Maries (Chairman of the SRC) to discuss issues relating to the Council's legal advice and the advice provided to the SRC.

The Chair read out the recommendations and put recommendations A, B, C (as amended), D and E to those Cabinet members in attendance (with the exception of Peter Walker who had previously declared his intention not to take part in the decision-making for this item) and it was

RESOLVED: That, having regard to the recommendation of the Children and Young People Overview and Scrutiny Panel, namely:

That Cabinet consider the views and comments made by the Panel, as set out in paragraph 2.34 onwards of the submitted report, when taking its decisions on the proposed expansion of Dundonald School.

A. approval is given to proceed to the next stage in the proposal to expand Dundonald Primary School, and in view of this, officers should undertake the

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following:

B. a pre-planning application consultation on a single layout option design prior to submitting a formal planning application;

C. apply to the Upper Tribunal (Lands Chamber) for a modification to the existing restrictive covenant on Dundonald Recreation Ground and, if so advised for a modification to the restrictive covenant applying to the Dundonald Primary School site;

D. further to resolution C above, to proceed with the appropriation of the area of land required for the school expansion from Leisure Services to Education for the use of Dundonald School; and

E. further to resolution C above, to publish a statutory proposal for the permanent expansion of Dundonald School from 210 to 420 places from September 2013.

6 LONDON PERMIT SCHEME (Agenda Item 5)

The Chair put the recommendations to the meeting and it was

RESOLVED: That

A. the content of the submitted report is noted;

B. approval is given to Merton joining the London Permit Scheme to be operational from September 2012; and

C. the Director of Environment and Regeneration is authorised to take all necessary steps to make an application to the Secretary of State for Transport under Part 3 of the Traffic Management Act 2004 to implement and operate a Permit Scheme to assist in the management and monitoring of works on the Highway in Merton.

7 RESPONSE TO RECOMMENDATIONS FROM SCRUTINY REVIEW OF THE NIGHT-TIME ECONOMY (Agenda Item 6)

The Chair put the recommendations to the meeting and it was

RESOLVED: That the recommendations arising from the scrutiny review are noted and the responses to those recommendations detailed in in Appendix 1 to the submitted report are endorsed.

8 CHANGES TO THE LONDON COUNCILS GRANT SCHEME (Agenda Item 7)

The Chair put the recommendations to the meeting and it was

RESOLVED: That

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- A. approval is given to the increased contribution to the London Councils Grants Scheme for Merton (£19,859), bringing the total contribution for 2011/12 to £372,352;
- B. approval is given to the proposed funding levels and services set out in Appendix I to the submitted report;
- C. approval is given to delegate further decision making on the allocation of repatriated London Councils Grants Scheme funds to the Director of Corporate Services in consultation with the relevant cabinet member(s); and
- D. it is noted that London Councils intends to consult boroughs on proposals for the future of the London Councils Grants Scheme.

9 BUSINESS PLAN MONITORING REPORT (Agenda Item 8)

The Chair put the recommendations to the meeting and it was

RESOLVED: That

- A. the financial reporting data relating to revenue budgetary control, showing a forecast underspend at year end of £2.9m; capital reporting and an update on corporate items is noted;
- B. the capital virements detailed in Appendix 3B of the submitted report are noted and approval is given to those over £100k;
- C. approval is given to the capital slippage from 2010-11 to 2011-12 as detailed in Appendix 3D of the submitted report;
- D. having regard to the corporate performance indicators a view is taken at a future juncture as to which of these they wish to prioritise and those they wish to develop more strategically;
- E. the new style of report is noted; and
- F. approval is given to the transfer of the following Schools Reserves, as agreed by the Schools Forum on 21st June 2011:

Schools Single Status £0.304m

DSG Reserve £2.496m

Total £2.800m

10 165 – 169 MERTON ROAD (Agenda Item 9)

The Chair put the recommendations to the meeting and it was

RESOLVED: That 165 – 169 Merton Road, London SW19 1EE be appropriated for Planning Purposes pursuant to section 122 of the Local

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Government Act 1972.

- 11 RESPONSE TO SCRUTINY REVIEW ON EFFICIENT HOUSEHOLD WASTE MANAGEMENT (Agenda Item 10)

The Chair put the recommendations to the meeting and it was

RESOLVED: That

A. the contents of the submitted report is noted; and

B. the associated action plan (Appendix 1 to the submitted report) is agreed and that this is passed to the Sustainable Communities Overview and Scrutiny Panel.

EXCLUSION OF THE PUBLIC

RESOLVED: That the public are excluded from the meeting during discussion of the following item on the grounds that it involves the disclosure of exempt information falling within Category 3 of Paragraph 10.4 of Part 4B of the Constitution.

- 12 EXTENSION OF CONTRACT FOR CLEANING SERVICES FOR EDUCATION, LIBRARIES AND SOCIAL CARE BUILDINGS (Agenda Item 1 of the Exempt Agenda)

RESOLVED: That approval is given to a single year extension to an existing contract with Julius Rutherford & Co Limited for the provision of cleaning services at the council's libraries, education and social care buildings for a period from 1 April 2012 to 31 March 2013.

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