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County Council

Dorset County Council



Date of Meeting	21 July 2016
<u>Cabinet Member</u> Deborah Croney – Cabinet Member for Learning and Skills <u>Local Member</u> Beryl Ezzard – County Councillor for Wareham <u>Lead Director</u> Sara Tough – Director for Children’s Services	
Subject of Report	Procedure for Petitions - Petition entitled SAVE Sandmartins Activity Club
Executive Summary	<p>A petition has been received (in accordance with the County Council’s published petitions scheme) in relation to SAVE Sandmartins Activity Club.</p> <p>The scheme provides that any petitions that are supported by 1,000 or more signatories shall be scheduled for a debate at the next meeting of the full County Council and that the petitioner shall be given an opportunity to speak to the meeting as a deputation.</p> <p>It is for the Council to decide how to respond to the petition at this meeting.</p>
Impact Assessment: <i>Please refer to the protocol for writing reports.</i>	Equalities Impact Assessment:
	Use of Evidence:
	Budget:

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	<p>Risk Assessment:</p> <p>Sandford St Martins Governors would be acting inadvisably if they continued to pursue the closure of Sandmartins extended school provision, which could lead to a legal challenge. The governors have reconsidered their position and are no longer pursuing this outcome.</p> <p>Having considered the risks associated with this decision using the County Council’s approved risk management methodology, the level of risk has been identified as: Current Risk: LOW Residual Risk LOW</p> <p>(Note: Where HIGH risks have been identified, these should be briefly summarised here, identifying the appropriate risk category, i.e. financial / strategic priorities / health and safety / reputation / criticality of service.)</p>
Recommendation	<p>Other Implications:</p> <p>The proposal for alternative accommodation on site is being pursued.</p> <p>No further action be taken as a resolution appears to have been reached.</p>
Reason for Recommendation	<p>In order to comply with the County Council’s published scheme for responding to petitions and so as to enable local people to connect with local elected decision makers.</p>
Appendices	
Background Papers	<p>Dorset County Council Petitions Scheme</p>
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1. Background to the Petition Scheme

- 1.1 The petition provisions in the Local Democracy Economic Development and Construction Act 2009 aim to reinvigorate local democracy by ensuring that all local authorities adopt schemes giving local people better opportunities to connect with local decision makers.
- 1.2 The County Council’s Petitions Scheme (based on the national model) was adopted on 29 April 2010 and came into effect on 15 June 2010. The law requires the council

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to respond to petitions organised and supported by people who live, work or study in Dorset.

- 1.3 If a petition contains more than 1,000 signatures the Scheme requires that it will be debated by the full Council. The petition organiser will be given ten minutes to present the petition as a deputation at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes.
- 1.4 Where the issue is one on which the Cabinet is required to make the final decision, the Council may decide whether to make recommendations to inform that decision.

2. Petition – SAVE Sandmartins Activity Club

The County Council received a petition organised by Ms V Bowbanks on 30 June 2016. This reads as follows:-

“To support the Petition TO STOP Sandford Primary School’s Governors’ decision to take control of the extended school care and therefore to keep the services provided by Sandmartins Activity Club on the school site.”

- 2.2 As this petition contains more than 1,000 signatures, the County Council is required to discuss this for a maximum of 15 minutes in accordance with the Petitions Scheme.
- 2.3 This debate should conclude with a decision as to how to respond to the petition. This may include:
 - taking the action requested in the petition
 - holding an inquiry into the matter
 - undertaking research into the matter
 - holding a public meeting
 - holding a consultation
 - holding a meeting with petitioners
 - referring the petition for consideration by the council’s audit and scrutiny committee
 - calling a referendum
 - writing to the petition organiser setting out our views about the request in the petition
- 2.4 Alternatively, the Committee may determine a combination of the options above, or decide on another course of action as appropriate.

3. Context

- 3.1 Sandmartins Activity Club was moved from premises on the previous Sandford First School site as part of the Purbeck Reorganisation.
- 3.2 An undertaking was given by Dorset County Council that no provider would be displaced (left without accommodation) as a result of changes brought about by the reorganisation. Each ‘project brief’ identified the existing facilities on each site and

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how they would be re-provided – this was a pre-requisite to be agreed by the school in order to obtain approval and funding for the new school build.

- 3.3 In 2011 Sandford St Martin identified that the extended school club would be accommodated in the studio area and this was agreed in the brief. The new school opened in October 2014 with facilities for Sandmartins. To now refuse the use of the agreed facilities (or providing a suitable alternative) would be breaking the agreements made as a pre-requisite to the funding agreement. There has been an alternative proposal for accommodation for Sandmartins on land at the school which is owned by Dorset County Council, but the school stated that it was their intention to object to any application for planning permission on the site.
- 3.5 Sandford Primary School's Governors' decision to take control of the extended school provision was done with the best of intentions. They intended to develop their own extended school provision and to provide a wider range of services and more sessions. They also intended to offer more favourable terms and conditions to employees. They believed the actions they were taking were in everybody's best interests.
- 3.6 Although the school is at liberty to operate their own provision, they cannot do so by actively putting an existing provider out of business through a disproportionate rise in charges, refusing access to the previously agreed facilities or forcibly taking over a business for which someone else has striven to build up a clientele and reputation. The school cannot close the existing provider and approach their staff to work for the school without going through the due TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006) process. There have been occasions where a school has taken on the role of a pre-existing provider, but this has been consensual and with all the legal agreements in place.
- 3.7 The school was not fully apprised of all the information and processes when they first proposed taking over the service. They have more recently been supported by DCC staff to advise them on technical issues and procedures (sufficiency of places, premises, human resources/employee relations, guidance on working within the community and the agreements undertaken as part of the Purbeck Reorganisation).
- 3.8 Sandford Primary School's Governors have now agreed to the provision of dedicated accommodation on the site and have stated it is no longer their intention to prevent Sandmartins from operating at the school and they wish to work in partnership to develop future provision (subject to due process and agreements) . However, issues still remain unresolved regarding agreements for access routes.

Sara Tough
Director for Children's Services
July 2016