

## **CABINET**

### **MINUTES OF MEETING HELD ON THURSDAY 29 APRIL 2021**

**Present:** Cllrs Spencer Flower (Chairman), Peter Wharf (Vice-Chairman), Ray Bryan, Tony Ferrari, Laura Miller, Andrew Parry, Gary Suttle, Jill Haynes and David Walsh

**Apologies:** Cllrs Graham Carr-Jones

**Also present:** Cllr Cherry Brooks, Cllr Nocturin Lacey-Clarke, Cllr Byron Quayle, Cllr Jane Somper, Cllr Rod Adkins, Cllr Shane Bartlett, Cllr Dave Bolwell, Cllr Susan Cocking, Cllr Robin Cook, Cllr Jean Dunseith, Cllr Barry Goringe, Cllr David Gray, Cllr Rob Hughes, Cllr Nick Ireland, Cllr Sherry Jespersen, Cllr Stella Jones, Cllr Rebecca Knox, Cllr Val Potheary, Cllr Molly Rennie, Cllr Andrew Starr, Cllr David Tooke, Cllr Kate Wheller and Cllr Pete Barrow

**Officers present (for all or part of the meeting):**

Matt Prosser (Chief Executive), Aidan Dunn (Executive Director - Corporate Development S151), Jonathan Mair (Corporate Director - Legal & Democratic Service Monitoring Officer), John Sellgren (Executive Director, Place), Kate Critchel (Senior Democratic Services Officer), Theresa Leavy (Executive Director of People - Children), Kim Saint (Project Officer), Dave Thompson (Corporate Director for Property & Assets), Vik Verma (Interim SEND Improvement Consultant) and Kate Shelley (Communications Officer)

**134. Declarations of Interest**

There were no declarations of interest to report.

**135. Public Participation**

There were no public questions.

**136. Questions from Members**

There were no questions from members.

**137. Outcome from consultation on provision in Shaftesbury**

The Portfolio Holder for Children's , Education, Skills and Early Help presented a report on the purchase of St Mary's School site in Shaftesbury and on the outcome of the public consultation in respect of the council's preferred option for the site. Prior to presenting the detail of the report a short communications video about the site was shared with the meeting.

In presenting the report the Portfolio Holder advised that acquiring the former St Mary's school site was an unique opportunity to deliver an independent school for children with special educational needs (SEND). The site had extensive facilities

which would enable the council to build capacity at a rapid rate, but also at a fraction of the capital cost of a new build proposal.

The Portfolio Holder further advised that the council was setting out to make the site a “centre of excellence” in the field of SEND provision and it aimed to complement the councils current provision and work that was being carried out within mainstream schools. He also took the time to thank officers, and the project board for the work they had carried out to date.

In respect of the public consultation process, the Portfolio Holder reported that a total of 1427 responses had been received. 92% of those who responded were in favour of the site continuing to be used for educational purposes. With 89% supporting the proposal to open a school for SEND provision. He further reported that the proposal had seen support from neighbouring authorities.

The Portfolio Holder advised that the business plan set out a phase of growth for pupil numbers; starting with an initial cohort of 60 pupils, expected to take up their school place in January 2022. There was planned growth of places over the next five years with the aim of achieving 280 pupils by 2026.

In concluding his presentation the Portfolio Holder set out and proposed the reports recommendations.

The Chairman welcomed the report and invited questions from members not on Cabinet.

In response to a question regarding trading as a limited company by shares rather than guarantee and around the arrangements for staffing as an independent facility, the Portfolio Holder and Executive Director of People (Children’s) confirmed that to trade as a limited company by shares was the best model recommended to the council and the running of an independent educational establishment. In respect of appointing staff, an interim team would first be put into place with permanent staffing being recruited as the independent education establishment progressed.

Responding to questions regarding placements and sustainability, the Executive Director for People Children’s confirmed that conversations had been held with neighbouring councils and it was likely that some may wish to purchase placements. However all councils looked to try to keep their children as close to home as possible. Members were further advised that over a third of Dorset children with education health and care plans lived within a suitable distance of the site.

Cabinet members made the following observations:-

- Thanked officers and councillors who were involved in the task and finish project group for acting at pace.
- In respect of Wiltshire Council, Dorset would continue to work with its neighbouring authorities, who had been supportive of the project.
- In respect of out of county children, the Portfolio Holder confirm that the service would be looking to bring those individuals closer to home, where that was considered appropriate.
- Cutting travel miles and carbon omissions would also be welcomed.
- Whilst recognising the provision is predominantly for SEND children, members were keen to look at the opportunity for adult services, preparing

young adults for their future as part of the transition for children to adult services.

- Opportunity to adult and children services to work together to consider the use of the space at the St Mary's site. However there were legal barriers to consider.
- The site offered possibilities for independent living preparation, short breaks, respite care and agricultural learning opportunities.
- Safeguarding must be a key consideration
- Opportunities for professional learning
- Acknowledged the challenges faced by the project and importance of closely monitoring the financial measures and budget.
- Noted that the business plan contained a prudent financial model was whilst acknowledging that there would be future opportunities. These were not included in the model at this stage.
- Requested that Cabinet closely monitor the progress of the project as it developed.
- In respect of transport requirements, expressed the importance to work across services to find the right solutions.
- Potential for growth of bio-mass to reduce carbon omissions and look at greener transport opportunities

In summary, the Chairman thanked Cabinet for their comments and welcomed the clarity from the Executive Director for Corporate Development around the invest to save aspect of the project. He continued, that, he considered this was a really good opportunity for the Council and supported the motion.

## Decision

1. That, following public consultation on the future use of the former St Mary's School site, the consultation report be noted and that the Council's preferred option for the use of the site proceed;
2. That the Business Plan to use the site as an independent special school for children and young people of Dorset and the longer-term vision, be approved;
3. That the formation of a company limited by shares and the entry into such ancillary legal documentation, as may be necessary in line with the proposed scope contained in the Business Plan, be approved;
4. That the granting of indemnities for personal liability incurred by council officers acting in the role of directors of the company, be approved;
5. That Cabinet agrees to the granting of a lease of the site to the company on terms to be approved by the Executive Director for Place in consultation with the Executive Director for People – Children's; and that service agreements between the Council and the company to deliver the Business Plan on terms to be approved by the Executive Director for People - Children's.

6. That authority be delegated the Portfolio Holder for Children, Education, Skills and Early Help in consultation with the Executive Director for People – Children’s to deliver the Dorset Council actions within the Business Plan.

**Reason for the decision 1:**

The consultation on the future use of the former St Mary’s School site received 1,427 responses from a wide variety of individuals and organisations. Nearly 90% of responses came from Dorset Council residents, including 32% of responses which came from local residents (within 3 miles of the site).

There was overwhelming support for the St Marys site to continue to be used for educational purposes, with 92% overall in favour. In addition, there was very strong support for specifically using St Marys as a school for children and young people with Special Educational Needs and Disabilities (SEND) with 89% overall in favour alongside 82% of respondents that signalled strong support for the additional use of the St Mary’s site to create complementary facilities for vulnerable children, young people and adults.

This demonstrated strong support to deliver the Council’s preferred option to create a new independent school for children and young people of Dorset with SEND.

**Reason for the decision 2, 3, 4, 5 and 6**

In order to deliver the Council’s preferred option, a detailed 5-year Business Plan has been completed setting out the next steps the Council will need to take to establish a Company to operate the new independent special school alongside the longer-term vision for the site and arrangements for the land to be used by the Company. The Business Plan sets out that a Company that will be set up for the purposes of operating the site and school, and this will be through the formation of Company Limited by Shares (which may be established as a standard or Community Interest Company). Approval of this decision allows the named Members and Officers with delegated authority to deliver the Business Plan to achieve the challenging timescales for delivery. Further leadership and governance would be provided by the St Mary’s Project Board Chaired by the Chief Executive and Vice Chaired by the Executive Director of Corporate Development.

**138. Urgent items**

There were no urgent items considered at the meeting.

**139. Exempt Business**

There was no exempt business to report.

**Duration of meeting:** 9.30 - 10.43 am

**Chairman**

.....