

Record of decisions Leader using urgency powers

Wednesday, 22 December 2021

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Maritime Academy Temporary Accommodation 2023/24

Background:

This report set out that the Maritime Academy free school was due to open in temporary accommodation in September 2022. The Department for Education (DfE) required confirmation that Medway Council would underwrite the cost of providing temporary accommodation in the 2023/24 academic year in the event that the permanent accommodation was not available for September 2023. The DfE would not move forward with providing temporary accommodation for 2022 without a commitment from the Council to underwrite the cost for the 2023/24 academic year.

The report set out that the preferred option for providing the temporary accommodation in 2023 was as follows:

Option 1 - Make partial use of the permanent building. However, it would depend upon the building being ready for partial occupation, which would not be known until much closer to the target date of September 2023, and therefore could not be relied upon as a solution at this time. Officers would continue to work closely with the DfE to press for this option if the building was not fully completed. The report advised that this was the preferred option, but that it was unlikely that the building would be sufficiently ready in time.

In the likely event that Option 1 was not achieved, the report set out that the next preferred option was as follows:

Option 2 - A second year at the Stoke Primary School site, which would require temporary capacity to be provided at the site as well as transport provided for a second year. This would keep the school together rather than having two year groups taught in two separate sites. The estimated cost of this was £1.6 million.

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Paragraphs 3.5.3 to 3.5.6 of the report set out other possible options for consideration.

The report noted that the urgency provisions were set out in the Constitution (paragraph 2.2 of Part 3 (Responsibility for Cabinet functions) of Chapter 3 (Responsibility for Functions) of the Constitution).

The Chairman of the Children and Young People Overview and Scrutiny Committee agreed that the taking of these decisions was urgent and could not be reasonably deferred until the next Cabinet meeting on 11 January 2022, in accordance with Section 11 (Cases of special urgency) of the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 and Rule 17 (Special Urgency) of the Access to Information Rules (Part 2 of Chapter 4 in the Constitution). This was because it was imperative that the Council took urgent action to ensure that the DfE could continue to provide and prepare temporary accommodation for the 2022/23 academic year.

Additionally, and in line with rule 15.11 of Chapter 4, Part 5 of the Constitution, call-in could be waived where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the Public's interests. The Chairman of the Children and Young People Overview and Scrutiny Committee agreed that the decisions proposed were reasonable in all the circumstances and to them being treated as a matter of urgency and to waive call-in.

The report noted that furthermore, it was proposed that the Director of People – Children and Adults Services use the urgency provisions as set out in paragraph 4.1 of the Employee Delegation Scheme (including consultation with the Leader of the Council and the Leader of the Labour and Co-operative Group) to agree the additions to the capital budget funded from borrowing. The use of these urgency provisions will be reported to Full Council on 20 January 2022 for information.

Decision number: ***Decision:***

148/2021 **The Leader agreed, using urgency powers, agreed that the Council commit to underwrite the funding of the temporary accommodation for the Maritime Academy, if required in the academic year 2023/24, as set out in paragraph 3.5.2 and to note that the proposed addition of £87,500 would be incorporated into the Council's Revenue Budget 2022/23 report to Cabinet (8 February 2022) to fund the transport costs for the 2022/23 academic year.**

149/2021 **The Leader agreed that decision 148/2021 was considered urgent and therefore should not be subject to call-in.**

Reasons:

By approving the recommendations in section 9, the Cabinet through the Leader's and Director of People – Children and Adults Services' Urgency Powers will be

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ensuring that the Council meets its statutory duty to ensure sufficient good quality school places are available.

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Leader of the Council

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Date

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