



***Delegated Decisions by Cabinet Member with the
responsibility for Education***

***Monday, 20 May 2013 at 12.00 pm
County Hall, Oxford OX1 1ND***

Items for Decision

The items for decision under individual Cabinet Members' delegated powers are listed overleaf, with indicative timings, and the related reports are attached. Decisions taken will become effective at the end of the working day on 29 May 2013 unless called in by that date for review by the appropriate Scrutiny Committee.

Copies of the reports are circulated (by e-mail) to all members of the County Council.

These proceedings are open to the public

Peter G. Clark.

Peter G. Clark
County Solicitor

May 2013

Contact Officer: **Deborah Miller**
Tel: (01865) 815384; E-Mail: deborah.miller@oxfordshire.gov.uk

Note: Date of next meeting: 24 June 2013

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

Items for Decision

1. Declarations of Interest

2. Questions from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet Member's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

3. Petitions and Public Address

4. Alteration of Lower Age Range for Bampton CE Primary School

(Pages 1 - 4)

Forward Plan Ref: 2013/030

Contact: Deborah Rouget, Sufficiency & Access Manager, Early Years & Childcare
Tel: (01865) 810617

Report by Director for Children's Services (**CMDE4**).

Bampton Primary School has applied to open a Foundation Stage Unit (new nursery class). On 4 February 2013 the Cabinet Member agreed the recommendation at Stage 1 of the proposal for publication of a statutory notice. As no objections have been received, at Stage 2 the Cabinet Member for Education will determine the proposal as the 'decision maker' under the Education and Inspections Act 2006. This requires consideration of the proposal against the factors that must be considered as laid down in statutory guidance. The report requires the cabinet member to reject the proposal or approve it with a modification or subject to meeting a specific condition.

The Cabinet Member for Education is RECOMMENDED to either:

- (a) reject the proposal;***
- (b) approve the proposal;***
- (c) approve the proposal with a modification (e.g. the proposed implementation date);***
- (d) approve the proposal subject to them meeting the specific conditions:***
 - that all remedial and preventative building works recommended in the***

Carillion survey of the temporary unit be fully funded from pre-school and school reserves;

- ***that an asbestos management survey of the temporary unit be undertaken;***
- ***that the school revise their fire management programme to include the temporary unit;***
- ***that the pre-school write to the Headteacher to confirm transfer of ownership or 'gift' of the temporary unit and surrender their lease;***
- ***that all conditions are met before the proposed implementation date.***

5. Procedures for Making Resolutions where the Council is Acting as a Charitable Trustee (Pages 5 - 8)

Forward Plan Ref: 2013/039

Contact: Stephanie Skivington, Corporate Finance Manager Tel: (01865) 323995

Report by Director for Children's Services (**CMDE5**).

The report requests a decision to set up processes to allow the Council to discharge its powers as a charitable trustee under the provisions of the Charities Act 2011 relating to replacing the purposes of unincorporated charities with smaller funds (section 275) and spending the capital of unincorporated charities with smaller funds (section 281), where necessary with a view to closing the relevant trust.

The Council is trustee of a number of small trusts, many relating to schools' prizes or similar with a permanent endowments. The size of the endowments is such that they only generate a small amount of income each year and the funds of some of these trusts have not been used for a number of years. In some cases, the purposes for which the funds are required to be used are out of date (for example, relating to schools which no longer exist).

The Charities Act 2011 contains provisions allowing for the trustees of unincorporated charities to replace the purposes and spend the capital of the charities. These provisions require the making of resolutions. The report proposes a way by which the Council would make such resolutions where it is a trustee, including with a view to closing the trust.

The Cabinet Member for Education is RECOMMENDED to delegate to the Director for Children, Education and Families, in consultation with the Chief Finance Officer, the power to make resolutions on behalf of the Council pursuant to sections 275 and 281 of the Charities Act 2011 (or any successor provision with the same or substantially similar effect) where the Council is a charitable trustee, including with a view to closing the charitable trust where this is considered appropriate.
