

# CABINET

Wednesday, 17 December 2014

Present:

Councillor P Davies (Chair)

Councillors AR McLachlan  
G Davies  
AER Jones  
C Jones

P Hackett  
Tony Smith  
B Mooney

Apologies

Councillors C Meaden

S Whittingham

116 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

No such declarations were received.

117 **MINUTES**

**RESOLVED:**

**That the Minutes of the meeting of the Committee held on 9 December 2014 be confirmed as a correct record.**

118 **REPORT DETAILING THE OUTCOME OF THE REPRESENTATION PERIOD REGARDING THE PROPOSED CLOSURE OF THE LYNDAL SCHOOL**

The Director of Children's Services introduced her report which advised that in January 2014 the Cabinet agreed to undertake a consultation on the closure of The Lyndale School. Following the consultation, which closed in June 2014, the Cabinet agreed at its meeting on 4 September 2014 to publish formal statutory notices advising the public of the proposed closure of the school.

In accordance with the statutory guidance, the statutory notice (Appendix 1) and statutory proposal (Appendix 2) were published on 22 October 2014. The process allowed a four week period for representations to be made on the proposals, during which time any person could make comments or objections on the proposals.

The report and appendices set out all the relevant information that should be considered in making a decision on the proposal to close The Lyndale School.

Measures required to mitigate the effect of the proposal, if agreed, were also outlined.

The Cabinet was informed that the Council was the decision maker in respect of the published proposal. The proposal could be approved, rejected, approved with modification or approved subject to meeting specific condition(s).

The closure of the Lyndale School was being considered because the viability of the school had been compromised by its small size and falling roll. There were also two other primary schools in the Council's administrative area providing good and outstanding provision for children with complex learning difficulties.

The report recommended that the Cabinet approve the proposal to close The Lyndale School with a modification to the closure date to 31 August 2016.

Appended to the Director's report for Cabinet Members' information was:

- The Statutory Notice (Appendix 1)
- The Statutory Proposal (Appendix 2)
- Statutory Guidance (Appendix 3)
- A detailed list of the issues raised during the representation period (Appendix 4)
- Redacted Representations (Appendix 5)
- The Equalities Impact Assessment (Appendix 6)

The Director of Children's Services recognised that it had been a difficult and challenging time for all concerned and she informed that she intended to work positively with everyone to accomplish the closure of The Lyndale School, if the Cabinet agreed that this was the way forward.

Following the Director's presentation Cabinet Members asked a number of questions which were answered by her as appropriate. Issues raised included the following:

- Children's Services will discuss with parents their preferences for other schools and, if The Lyndale School is to close, will also work with parents to complete each pupil's Education Health and Care Plan. Whatever was identified in individual Education Health and Care Plans would be replicated in either of the two other schools (Elleray Park and Stanley). Therefore, if the Cabinet's decision was to close The Lyndale School, there would not be a detrimental impact.
- For the 2014-15 financial year The Lyndale School had set a balanced budget of £743,345 based on funding for 40 places, when it had 23 pupils on roll at the January 2014 Census. Any single place reduction would represent a loss of £10,000 to the base budget for the school.

Therefore any future reduction in place funding to 23 pupils (the number of pupils on roll), would result in the school receiving a budget which was £170,000 less than at present.

- The recommendation included a modification so that The Lyndale School closed on 31 August 2016. This would provide time for any staff training that was considered necessary and appropriate. There was an absolute commitment to respond to the children. Each child had separate needs and the Council would be meticulous in ensuring the right physical environment and that staff were equipped with the right skills to look after the children. Some children were very vulnerable and had profound difficulties. The Director of Children's Services had spoken to the staff and she was confident that they would make sure settings and groupings of children were right.
- The two Headteachers had put in writing their commitment to ensuring that they would accommodate and cater for the children in their schools appropriately. The two schools would provide continuity and the moves to the schools would be carefully managed.
- A question was asked about the carers that would accompany the children to their new schools. The Director of Children's Services informed that staff would continue and agreed to confirm arrangements after the meeting.
- The Director of Children's Services and her staff would give a lot of care and attention to the receiving schools. They would make sure that there was a focus on the children there and that all their needs were met. It was possible that a whole cohort of Lyndale School children would be going to one school. This would be managed with a great deal of planning.
- Discussions would be held with the schools about moving/recreating Lyndale School's Sensory Garden setting. The Wirral Globe had provided funding of £80,000 that could assist this.

When Cabinet Members had finished asking their questions Councillor Phil Davies gave representatives of The Lyndale School who were in attendance at the School an opportunity to address the Cabinet. Unfortunately, this opportunity was not taken up as the School's representatives informed that they considered it to be 'a waste of time'.

Councillor Tony Smith informed the Cabinet that he was asking it to make its decision based on advice from the Director of Children's Services. He also informed that a decision to close a school was always difficult. The main reason to consider closure of The Lyndale School was its viability because of its size and falling roll. There were two other schools on Wirral providing good education for children with profound and complex learning difficulties.

Councillor Smith reported that he was as satisfied, as he could be that the children would be supported in the other two schools and their wellbeing and education provided for, if the Cabinet agreed to close The Lyndale School.

Councillor Smith considered that maximum opportunity had been provided for everyone concerned to be consulted and make representations on the proposal. There had also been scrutiny carried out by the Policy and Performance Co-ordinating Committee who had met twice to consider call-in decisions in respect of The Lyndale School. All views, representations, details and issues, including financial ones had been properly and carefully considered. Councillor Smith was aware that it was a difficult and uncertain time for the children at the School, their families and for staff members.

Councillor Smith proposed, Councillor Ann McLachlan seconded and it was

**RESOLVED: (unanimously)**

**That the Director of Children's Services recommendations that following careful consideration of all relevant representation, information, details and matters arising in respect of the proposal, as detailed in the report, the Cabinet approves the proposal to close The Lyndale School with a modification to the closure date to 31 August 2016.**

119 **TRANMERE ROVERS' TRAINING GROUND PROPOSALS**

Councillor Adrian Jones introduced a report by the Director of Universal and Infrastructure Services, seeking a decision to release restrictive covenants on land at Ingleborough Road, Tranmere, currently used by Tranmere Rovers Football Club (TRFC) as an Academy training facility.

The report also sought approval to enter into:

1. A Lease of land at Solar Campus, Leasowe, shown on Plan 1 for identification purposes annexed to the report, for the replacement of pitches.
2. An Agreement for Lease/Lease of land and buildings, also at Solar Campus, Leasowe, shown on Plan 2 for identification purposes annexed to the report, for the development of a First Team, Football Academy and Community Facility.

In addition, approval was required for the land shown on Plan 1 and the land and buildings shown on Plan 2 attached to the report and referred to in paragraphs 1.2.1 and 1.2.2 to be appropriated for planning purposes under section 237 Town and Country Planning Act 1990.

The Cabinet noted that appropriation occurred where the Council held land for one particular purpose and it made a declaration that it was going to hold the land for a different purpose. The relevant land was currently designated as greenfield land but it had originally been purchased for educational purposes. It was used by the public as open space but it was not formally designated as

open space. In order to clarify the designation of the land it was considered that the Council should formally appropriate the land in question for planning purposes.

The Cabinet also noted that section 122 of the Local Government Act 1972 required the Council to advertise the intention to appropriate open space land as shown on Plan 1 for two successive weeks in a newspaper circulating in the area. Section 123 of the Local Government Act required the Council to similarly advertise any proposed disposal of open space land. Any objections needed to be notified to the Council for consideration prior to such appropriation or disposal.

The Cabinet was, therefore, requested, subject to there being no objections as referred to in the paragraph above, to approve the appropriation and disposal of the land as shown on Plan 1 and to approve the appropriation and grant of an Agreement for Lease in respect of the land and buildings shown on Plan 2. The report proposed that any objections be considered by the Director of Universal and Infrastructure Services in consultation with the relevant Portfolio holder who should then be given delegated authority to determine the appropriation and disposal.

Councillor Jones reminded the Cabinet that the original transfer deed relating to the Ingleborough Road site (in addition to the restrictive covenants) reserved the right for the Council to enter onto the property and remove the plaque which commemorated the loss of former pupils of Birkenhead Institute in the First World War. Agreement had now been reached in principle between Tranmere Rovers, the prospective developer of the site and Council officers, to work with the Birkenhead Old Boys Association to jointly fund and develop an appropriate memorial at a site to be agreed. A joint fund was to be set aside for this work. Materials recovered from the former pavilion would be retained for re-use in the memorial.

Mr RE Wood was in attendance at the meeting to represent the Old Boys Association and to speak on its behalf as he had attended the Birkenhead Institute between 1953 and 1961. He informed that agreement had now been reached on a substantial memorial. It was a proposal at the moment but the detail would be worked up. The Old Boys Association wanted to see a memorial established, possibly in Hamilton Square.

Mr Wood thanked the Director of Universal and Infrastructure Services for his help in bringing this matter to a satisfactory conclusion.

Councillor Phil Davies informed Mr Wood that the Cabinet was very grateful to him for the work he had done and that he hoped that there would be constructive discussion between himself and the Director of Universal and Infrastructural Services that would enable them to reach a satisfactory outcome, in terms of the memorial.

Councillor Davies informed the Cabinet that it was pleasing to see a resolution to this issue after a number of years. TRFC would get good facilities, as would the community and the Council would get a capital receipt which it would be able to reinvest. Councillor Davies also thanked the Director of Universal and Infrastructure Services and his Team for all of their hard work on this initiative.

Councillor Adrian Jones proposed and Councillor Phil Davies seconded and it was

**RESOLVED: (unanimously) That**

- (1) the release of the restrictive covenants in favour of the Council on the Ingleborough Road site on the terms set out in the report, subject to the market value of the site for residential development being independently certified, be approved;**
- (2) the Cabinet's support for the relocation of TRFC's training facility to the Solar Campus, Leasowe, rather than Woodchurch be confirmed;**
- (3) it be agreed, subject to there being no objections to the disposal of the land referred to in paragraph 1.4 of the report, that a Lease of the land on Plan 1 and the Agreement for the lease of the land and buildings on Plan 2 be negotiated by the Director of Universal and Infrastructure Services and the Head of Legal Services on terms favourable to the Council;**
- (4) it be agreed, subject to there being no objections as referred to in paragraph 1.4 of the report, that the land shown edged red on Plan 1 be appropriated for planning purposes and the land and buildings shown edged red on Plan 2 be appropriated for planning purposes;**
- (5) any objections received, following public notice of the intended appropriation and disposals, be considered by the Director of Universal and Infrastructure Services in consultation with the relevant Cabinet Portfolio Holder, who shall then have delegated authority to determine the relevant appropriations and disposals.**

120 **GRAHAM BURGESS, CHIEF EXECUTIVE**

Councillor Phil Davies reminded the Cabinet that Mr Burgess was attending his last Cabinet meeting as he was retiring on 31 December 2014, after being in post for the last two and a half years. He thanked Mr Burgess for all his work and support in improving the Council and wished him well in his retirement and with other projects that he intended to pursue.

Mr Burgess thanked Councillor Davies for his kind words and support. He also thanked the Cabinet and particularly Councillors Ann McLachlan and George Davies with who he had worked very closely for their support. Mr Burgess wished the Council the best of luck for the future.