

**MINUTES** of a meeting of the **CABINET MEMBER - CHILDREN AND YOUNG PEOPLE** held on 1 July 2014 at County Hall, Matlock.

**PRESENT**

Councillor K Gillott (in the Chair)

Also in attendance was Councillor Mrs J S Street.

**62/14** **MINUTES** **RESOLVED** that the minutes of the meeting held on 3 June 2014 be confirmed as a correct record and signed by the Cabinet Member.

**63/14** **NEW INSTRUMENTS OF GOVERNMENT** Under the School Governance (Constitution) (England) Regulations 2012 the following Governing Bodies had requested an amendment to their Instrument of Government.

**RESOLVED** (1) that the Instrument of Government for Meadows Community School be amended to provide for a new Governing Body of 12 members comprising 4 parents, 1 Local Authority, 1 Staff, 1 Headteacher and 5 co-opted governors. The proposals also includes a name change to Whittington Green School

(2) that the Instrument of Government for Hartshorne CE Primary School be amended to provide for a new Governing Body of 12 members comprising 5 parents, 1 Local Authority, 1 Staff, 1 Headteacher, 2 Foundation and 2 co-opted governors; and

(3) that the Instrument of Government for Tupton Hall School be amended to provide for a new Governing Body of 16 members comprising 5 parents, 1 Local Authority, 1 Staff, 1 Headteacher and 8 co-opted governors;

**64/14** **HEAGE EDUCATIONAL CHARITY** The Director of Legal Services explained that In considering this report the Cabinet Member would be acting, on behalf of the County Council, as Trustee of the Charity

Approval was sought for annual reports of the Heage Educational Charity ('the Charity') for 2012 – 2014, and to determine requests received for funding.

The Charity was a charitable trust governed by the provisions of a Charity Commission Scheme dated 20 October 1997. The proceeds of sale of land held on trust (the former sites of Upper Heage Primary School and of Nether Heage (Ridgeway) Schools) for educational purposes were held as a permanent endowment (of £525,200), with the income of that endowment being applied in accordance with the Scheme.

At the end of 2013/14 the Charity had a balance of income of £78,242 available for distribution.

The income of the Charity was to be applied, in accordance with paragraph 8 of the Scheme, details of which were given in the report.

Following correspondence from the local elected Member, Councillor David Williams, requests for funding have been received from Ambergate, Heage and Street Lane Primary Schools. Full details of previous funding approvals and the current funding requests were outlined in the Director of the Legal Services report.

In conclusion the Director of Legal Services emphasised that paragraph 8(1) of the Scheme required that the income of the Charity was applied firstly in providing special benefits to Heage and Ambergate Schools or to enhancing the education of pupils or former pupils of those schools, and only if not required for those purposes was it to be used "*in promoting the education (including social and physical training) of other persons under the age of 25 years who were resident in the Parish of Ripley*". (paragraph 8(2)) This was the category into which the application by Street Lane Primary School would potentially fall.

The proposals put forward by the Heage and Ambergate Schools indicated that they would wish to utilise the whole of the income of the Charity. The funding requested by Ambergate Primary School totalled £29,690, and phases 1 and 2 of the Heage proposal were estimated at a total cost of £58,000. The request from Street Lane Primary School was for £51,000

The provisions of paragraph 8(1)(a) and 8(1)(b) of the Charity Scheme are equally weighted and the available income could be called upon by a student, or former student, of the beneficiary schools and considered alongside a funding bid by one of the schools.

There was no provision in the Scheme, nor had a policy been established by the Trustee, regarding the timing of the distribution of the Charity's funds and the Trustee should keep in mind, in determining whether to distribute that income, whether a beneficiary school or an individual beneficiary was likely to make a request for funding in the future. The currently available income had been accumulating over a period of 17 years and the current return on the capital sum of £525,000 was limited. Whilst further consideration could be given to alternative investment of the capital sum this was still unlikely to raise a substantial amount of income over the short term. The Trustee may therefore wish to consider whether part of the income should be retained by the Charity to meet possible future requests for funding.

As a registered charity with a gross income of less than £10,000 per annum the Charity was required to submit an annual update to the Charity

Commission. However, all charities were required to prepare annual accounts and annual reports and to make them available on request.

Draft annual reports covering the years 2011/12 and 2012/13 were appended to the Director of Legal Services report. The Charity's accounts were not required to be submitted to the Charity Commission as part of the annual update. However receipts and payments accounts were included with the annual reports.

The Cabinet Member gave careful consideration to each of the requests

**RESOLVED** (1) to approve the draft annual reports and accounts of the Heage Educational Charity;

(2) to approve the allocation of funding as follows :- Ambergate Primary School - £21,000; and Heage Primary School - £51,000;

(3) to refuse the request for funding by Street Lane Primary School on the ground that the income of the Charity was required for one or more of the purposes set out in paragraph 8(1) of the Charity Commission Scheme for the Heage Educational Charity; and

(4) that a further report be submitted in 3 months' time to the Cabinet Member as Trustee, regarding the investment of the permanent endowment of the Heage Educational Charity.

**65/14 APPOINTMENT OF SCHOOL GOVERNORS RESOLVED** (1) that the following persons be appointed to serve as LA Governors on school Governing Bodies under the School Governance (Constitution) (England) Regulations 2007

<b>Name</b>	<b>School</b>
P Tatham	Chaucer Infant & Nursery
E Highton	Ashbrook Junior
T Page	Harrington Junior
R Hare	Hallam Fields Junior
P Ashley	Wilsthorpe Community
C Stitchman	South Darley CE (Controlled) Primary
R Caig	Bradwell CE Voluntary Controlled Infant
J Latham	Sudbury Primary School
M Dent	Horlsey CE Primary

(2) that the following person be nominated to serve as a LA Governor on a school Governing Body under the School Governance (Constitution) (England) Regulations 2012

G Leech	Matlock All Saints CE Infant
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(3) that a report be submitted to the Cabinet member outlining the issues that had arisen since the system of approvals/nominations for LA

Governors had been undertaken by Local Area Committees.

**66/14**      **EXCLUSION OF THE PUBLIC RESOLVED** that the public be excluded from the meeting during the consideration of the remaining items on the agenda to avoid the disclosure of the kind of exempt information detailed in the following summary of proceedings:-

**SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC WERE EXCLUDED FROM THE MEETING**

- (1) To confirm the exempt minutes of the meeting of the Cabinet Member – Children and Young People held on 3 June 2014
- (2) To consider the report of the Strategic Director for Children and Younger Adults on CAYA Capital Programme 2014/15 Schools Access Initiative (contains information which is likely to reveal the identity of any individual)