

**Executive Decision  
Individual Decision Notice  
Special Urgency Notification**



**Decision Maker:** Mayor, 27 Mar 19

**Classification:**  
[Unrestricted]

**Phoenix School Expansion – Agreement to Complete the Deed  
Variation to the Grouped Schools PFI Contract**

Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 – notice is hereby given that an Executive Key Decision is required to be taken under Special Urgency provisions as it is not possible to provide at least 5 clear days' notice of the decision.

As required under the above regulations, the Chair of the Overview and Scrutiny Committee has agreed to the above decision being taken under the Special Urgency Provision.

Notice is also hereby given that, in accordance with Overview and Scrutiny Procedure Rule 17, the decision shall be treated as a matter of urgency and not subject to the Council's Call In procedure. As required under the above rule, the Chair of the Overview and Scrutiny Committee has agreed that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

This notification will be published as soon as possible before the decision is taken.

**Reason why it is impractical to provide 28 clear days' notice of the decision:**

An urgent decision is required to agree to enter into a Deed of Variation to the Group Schools PFI to enable the works to redevelop the site at Fairfield Road to be developed to provide the accommodation for the proposed upper school for Phoenix Special School. . . A decision is required before 29 March to ensure that the project can continue unaffected.

**Reason why it is recommended that this decision be treated as a matter of urgency:**

An urgent decision is required to agree to enter into a Deed of Variation to the Group Schools PFI to enable the works to redevelop the site at Fairfield Road to be developed to provide the accommodation for the proposed upper school for Phoenix Special School. . . A decision is required before 29 March to ensure that the project can continue unaffected.

**Signature:**

Christine McInnes

**Date:**

27 March 2019

**Comments of the Chair of the Overview and Scrutiny Committee relating to the impracticality of providing 28 clear days' notice of the decision:**

*[The Chair of OSC has agreed to the above decision being taken under the Special Urgency Provision. Any specific comments from the Chair will be added to this notice if required].*

<b>Comments of the Chair of the Overview and Scrutiny Committee relating to his/her agreement to this decision being treated as a matter of urgency:</b>	
<i>[The Chair of OSC has agreed to the above decision being treated as a matter of urgency and not subject to the Council's Call In procedure. Any specific comments from the Chair will be added to this notice if required].</i>	
<b>Signature:</b>	<b>Date:</b>

**Further details of the decision to be taken:**

<b>Key Decision? Yes</b>	<b>Ward(s)</b> Bow East; Bow West
<b>Summary of Decision</b>	<p>At the Cabinet meeting in November 2018, agreement was given to the expansion of Phoenix Special School. This included the redevelopment of the former Bow Boys School at Fairfield Road, E3 to provide accommodation for its upper school for pupils aged 14 – 19. Cabinet also approved the adoption of a capital estimate of £17m for the redevelopment works.</p> <p>As the site at Fairfield Road is part of the Grouped Schools PFI contract, the Council needs to enter into a Deed of Variation to the Grouped Schools PFI contract for the works to be carried out. Agreement of the Deed of Variation is usually delegated to the Director of Children's Services and the Director of Law, Probity &amp; Governance, but was omitted from the report to Cabinet in November 2018.</p>

<b>Community Plan Theme</b>	<b>TH Plan 1: A better deal for children and young people: aspiration, education and skills</b>
<b>Cabinet Member</b>	Cabinet Member for Children, Schools and Young People (Councillor Danny Hassell)
Who will be consulted before decision is made and how will this consultation take place	Finance and Legal  Email
Has an Equality Impact Assessment been carried out and if so the result of this Assessment?	No
Contact details for comments or additional	Christine McInnes (Divisional Director, Education and Partnership, Children's) <a href="mailto:christine.mcinnnes@towerhamlets.gov.uk">christine.mcinnnes@towerhamlets.gov.uk</a>

information	
What supporting documents or other information will be available?	Cabinet Report 28th November 2018
Is there an intention to consider this report in private session and if so why (Paragraph number – see notes section)?	No, Unrestricted

## NOTES

### **Advance notice of Key Decisions**

Key decisions are all those decisions which involve major spending, or savings, or which have a significant impact on the local community. The precise definition of a key decision adopted by Tower Hamlets is contained in Article 13.03 of the [Constitution](#). Key Decisions are taken by the Mayor, or the Mayor in Cabinet.

Individual notices of new Key Decisions will be published on the website as they are known, whilst a Forward Plan collating these decisions will be published 28 days before each Cabinet meeting. The Forward Plan will be published on the Council's website and will also be available to view at the Town Hall and Libraries, Ideas Centres and One Stop Shops if required. [The Committee pages](#) on the Council website include copies of the Forward Plan, Cabinet and other meeting dates and the publication dates of the Forward Plan.

If, due to reasons of urgency, a Key Decision has to be taken where 28 days' notice have not been given. Notice will be published (including on the website) as early as possible and Urgency Procedures as set out in the Constitution will have to be followed.

The most effective way for the public to make their views known about the issues listed in the Forward Plan is to examine the consultation column of the Forward Plan, and/or contact the report author or Cabinet Lead Member as soon as possible, and no later than 10 working days before the decision is expected to be taken.

Reports, appendices and background papers will be available on the Council's website 5 clear working days before the Cabinet meeting. For all other information or to submit documents in relation to any issue, please contact the relevant officer.

### **Notice of Intention to Conduct Business in Private**

**The Council is also required to give at least 28 days' notice if it wishes to consider any of the reports on the agenda of an Executive meeting (such as Cabinet) in private session. The last row of each item below will indicate any proposal to consider that item in private session. Should you wish to make any representations in relation to an item being considered in private**

please contact Democratic Services on the contact details listed below. Note that this applies to Cabinet but not to Individual Mayoral Decisions outside of Cabinet.

The notice may reference a paragraph of Section 12A of the 1972 Local Government Act. In summary those paragraphs refer to the following types of exempt information (more information is available in the Constitution):

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority handling the information)
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:-
  - a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

#### **Democratic Services Contact Details:**

Contact	Matthew Mannion
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