

**COUNCIL: 26<sup>th</sup> March 2015**

---

**APPOINTMENT OF LOCAL AUTHORITY, PARENT AND STAFF SCHOOL  
GOVERNORS TO NEW TEMPORARY GOVERNING BODY**

**REPORT OF COUNTY CLERK AND MONITORING OFFICER**

---

**Reason for this Report**

1. To appoint Local Authority, Parent and Staff School governors to a new temporary governing body for the proposed new primary school on the site of the Howardian Community Education Centre.

**Background**

2. The New Maintained Schools (Wales) Regulations 2005 state that where any proposals to establish a maintained school have been published under any enactment, the local authority may make arrangements to appoint governors to Temporary Governing Bodies under Section 34 of the 2002 Act in anticipation of the approval of the proposals or in anticipation of a determination by the authority that the proposals should be implemented.

The Council's Cabinet at its meeting of 26<sup>th</sup> January 2015 considered a report which set out recommendations following a public consultation that took place earlier in the year on a proposal regarding the provision of additional English-medium primary school provision in Cyncoed, Penylan and parts of Plasnewydd.

The Cabinet had agreed for the Council to progress to the next stage and issue a legal Statutory Notice to:

- Establish a new 2 Form Entry English-medium community primary school serving the age range 3-11 on part of the site of the Howardian Community Education Centre, Hammond Way, Cardiff, CF23 9NB, from September 2015.

The statutory notice went live on 24<sup>th</sup> February 2015 and allows a period of 28 days from the date of publication for receipt of formal objections to the proposals.

A temporary governing body will now be established in anticipation of the approval of the proposals.

## **Issues**

3. Where the need for a temporary governing body arises, it is the statutory duty of the Council to appoint the Local Authority, Parent and Staff governors.

## **Reasons for Recommendations**

4. To ensure that the Council fulfils its statutory functions in respect of the appointment of Local Authority governors, Parent and Staff governors to a temporary governing body.

## **Legal Implications**

5. Section 34 of the Education Act 2002 and Part 5 of the New Maintained Schools Wales Regulations 2005 set out the arrangements that need to be put in place for the government of new maintained schools.
6. In accordance with Section 34 of the Education Act 2002, there is a requirement upon the local authority to make arrangements for the constitution of a temporary governing body. Regulation 5(1) of Part 2 of the New Maintained Schools Wales Regulations 2005 enables the local authority to put in place arrangements to establish a temporary governing body for a new maintained school once proposals for the new school have been published via a statutory notice. This includes the appointment of Local Authority, Parent and Staff governors under regulations 4, 6 and 7 and schedules 1 and 2 of the Government of Maintained Schools Wales Regulations 2005.
7. If appointing a temporary staff governor the Authority must first make a decision whether a temporary staff governor should be included on the temporary governing board of the new school in accordance with the Government of Maintained Schools Wales Regulations 2005 and any person so appointed following such decision must be employed at a maintained school otherwise than as a teacher.
8. The number of each category of governor for a temporary governing body are set out by regulation 21 of the New Maintained Schools Wales Regulations 2005 and (in the context of a community school) regulation 13 of the Government of Maintained Schools Wales Regulations 2005
9. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council, e.g. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the

Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

### **Financial Implications**

10. There are no financial implications arising from this report.

### **Recommendation**

10. The Council is asked to agree:

1. The appointment of Local Authority, Parent and Staff School Governors to the Temporary Governing Body as listed in Appendix 1.

**MARIE ROSENTHAL**  
**County Clerk and Monitoring Officer**

Date: 19 March 2015

*The following Appendix is attached:*

Appendix 1            List of Local Authority, Parent and Staff school governors for appointment to the temporary governing body, with criteria for appointment

*The following Background Documents have been taken into account:*

The New Maintained Schools (Wales) Regulations 2005 (Parts 3 and 4)