

CORPORATE BOARD

NORTH WEST KENT COLLEGE

Minutes of a meeting of the CORPORATE BOARD

held at 5.30pm on Wednesday, 21 May 2008, at Oakfield Lane, Dartford

Present: Mr J Hill (Acting Chairman)
Mr J Parkes
Ms E Birchenough
Dr R Finney
Mr R Singh Gill
Mr B Newell
Mrs S Adams
Mrs L Rowan
Mr R M Bell
Mr G Moody
Mr A Ajjiyo
Mr J Williams

In attendance: Mr D Holland (Clerk to the Corporation)
Mr T Knight (Vice Principal)
Mr Andrew Coley, Ainsley & Partners (presentation)
Mr Malcolm Todd, Ainsley & Partners (presentation)
Mr Jon Lowan, Norman Rourke Pryme (presentation)

A Presentation on the CDM Regulations governing Health & Safety during the course of the Capital Build Projects was delivered by Mr Malcolm Todd, of Ainsley & Partners.

A copy of Mr Todd's notes are attached.

It was agreed that the monthly report presented by Norman Rourke Pryme, and considered by the Estates Committee, should, in future, contain an update on CDM issues.

It was agreed that the Clerk should obtain a copy of Form F10 and circulate this to governors.

I-1 APOLOGIES

Apologies for absence were received from Mr B Williams, Mr E Anderson and Mrs P Jones.

Clerk

I-2 MINUTES

2.1 The minutes of the meeting held on 26 March 2008 were approved and signed as a correct record.

2.2 Matters Arising

2.2.1 None was raised.

I-3 LEARNER SUPPORT FUND COMMITTEE

3.1 The minutes of the Learner Support Fund Committee meeting held on 6 May 2008 (Paper No CB/21.05.08/I-3.1) were received and noted.

3.2 Matters Arising

3.2.1 None was raised.

I-4 FINANCE AND GENERAL PURPOSES COMMITTEE

4.1 The minutes of the Finance and General Purposes Committee meeting held on 6 May 2008 (Paper No CB/21.05.08/I-4.1) were received and noted.

4.2 Matters Arising

4.2.1 None was raised

I-5 JOINT STEERING GROUP

5.1 The minutes of the Joint Steering Group meeting held on 15 May 2008 (Paper No CB/21.05.08/I-5.1) were received and noted.

5.2 Matters Arising

5.2.1 The Principal outlined the shift in attitude on the part of the LSC, particularly in relation to the perceived difficulties of pursuing a Merger proposal at the same time as major capital refurbishment bids/projects.

5.2.2 The Chairman referred members to the item appearing on the agenda, for resolution.

I-6 MANAGEMENT ACCOUNTS TO MARCH 2008

Members received and noted the Management Accounts to March 2008, as set out in Paper No CB/21.05.08/I-6.

In the absence of the Director of Finance & Systems, the Principal confirmed that expenditure was in line with budget.

Action

I-7 USE OF CORPORATION SEAL 2007-2008

The Clerk reported that the Corporation Seal had been used one during the period 19 March 2008 and 13 May 2008 (Paper No CB/21.05.08/I-7).

Mrs Adams queried why this lease had not been discussed by the Estates Committee, for consideration.

The Clerk replied that, as a Revenue rather than Capital Budget item, he had considered the matter to fall under the discretion of management, but agreed, at members' request, to include such acquisitions, in future, on the agenda of Estates Committee.

I-8 MEMBERS' INTERESTS

Members received and noted the list of Members' Interests (Paper No CB/21.05.08/I-8).

I-9 REPORT ON NUS STUDENT GOVERNOR TRAINING DAY

Members received and noted the Student Governor's report on the NUS Training Day (Paper No CB/21.05.08/I-9).

D-1 PRINCIPAL'S REPORT

Members received and noted the Principal's Report (Paper No CB/21.05.08/D-1).

D-2 CAPITAL PROJECT MONTHLY STATUS REPORT – APRIL 2008

Members received and noted the Capital Project Monthly Status Report as at April 2008 (Paper No CB/21.05.08/D-2).

Before inviting Mr Lowen, of Norman Rourke Pryme (in attendance) to comment, the Chairman announced that the Dartford Project had been approved that afternoon, by the LSC Regional Capital Committee. He congratulated the Principal and Vice Principal for their achievement in securing probably the largest capital project in Further Education, to date. The Principal explained that, technically, the approval given by the Regional Council today must be formally endorsed by the full LSC National Council, but there was no precedent for a decision to be reversed at that level. No caveats had been imposed by the Regional Committee, which meant that a

project valued at £85 million will be funded by the LSC to the tune of 93%.

Returning to the Monthly Status Report, Mr Lowen referred to the concerns related to the aquifer and the drilling of boreholes. Investigative work needed to be undertaken to identify any dene holes which might prove hazardous. He advised that electromagnetic testing will commence next week, in key areas adjacent to access and enabling works. It might also be necessary to undertake seismic testing or have recourse to a dynamic probe.

The Vice Principal tabled the document identifying key personnel involved with the project (which had been submitted to the Capital Committee that afternoon).

D-3 POLICY AND PROCEDURES:

3.1 Disciplinary Procedure for Senior Post-holders

Members received and noted the Disciplinary Procedure for Senior Post-holders (Paper No CB/21.05.08/D-3.1).

Whilst in general agreement with the thrust and particulars of the procedure, members asked if the Clerk would distinguish those elements of the procedure which were different from the Terms of Reference of the existing Special Committee, and also to highlight in what respects the procedure relating to senior Postholders differed from that obtaining for non senior Postholders.

It was

RESOLVED *that the Clerk should mark-up the policy accordingly and resubmit it for endorsement at the July meeting of the Board.*

3.2 Optional Terms of Reference for Appeal Committee

Members received and noted the Optional Terms of Reference for the Appeal Committee (Paper No CB/21.05.08/D-3.2). It was

RESOLVED *that, when the overarching procedure was agreed in the summer term, these Terms of Reference for the Appeal Committee should be adopted.*

R-1 FINANCE AND GENERAL PURPOSES COMMITTEE

Members received and noted the abstract from the minutes of the Finance and General Purposes Committee with attached Consolidated Loan Facility Offer from Lloyds TSB (Paper No CB/21.05.08/R-1.1).

Action

Clerk

As proposed by Mr Newell and seconded by Dr Finney, it was

Action

RESOLVED *to endorse the resolution provisionally approved by Finance and General Purposes Committee as set out in Paper No CB/21.05.08/R-1.1.*

R-2 JOINT STEERING GROUP

Members received and noted Paper No CB/21.05.08/R-2).

As proposed by Mrs Rowan and seconded by Mrs Birchenough, it was

RESOLVED *to issue the communication to staff/press release contained within the addendum to the minutes of the Joint Steering Group held on 15 May 2008 and as set out in Paper No CB/21.05.08/R-2.*

C-1 ANY OTHER BUSINESS

None was raised.

C-2 DATE AND TIME OF NEXT MEETING

5.30pm, Wednesday, 9 July 2008 in the Boardroom at Dartford.

Summary of duties under the Construction (Design and Management) Regulations 2007

(CDM 2007)

	All construction projects (Part 2 of the Regulations)	Additional duties for notifiable projects (Part 3 of the Regulations)
Clients (excluding domestic clients)	<ul style="list-style-type: none"> • Check competence and resources of all appointees • Ensure there are suitable management arrangements for the project welfare facilities • Allow sufficient time and resources for all stages • Provide pre-construction information to designers and contractors 	<ul style="list-style-type: none"> • Appoint CDM co-ordinator* • Appoint principal contractor* <p>Make sure that the construction phase does not start unless there are suitable welfare facilities and a construction phase plan is in place.</p> <ul style="list-style-type: none"> • Provide information relating to the health and safety file to the CDM co-ordinator • Retain and provide access to the health and safety file
		<p>(* There must be a CDM co-ordinator and principal contractor until the end of the construction phase)</p>
CDM co-ordinators		<ul style="list-style-type: none"> • Advise and assist the client with his/her duties • Notify HSE • Co-ordinate health and safety aspects of design work and cooperate with others involved with the project • Facilitate good communication between client, designers and contractors • Liaise with principal contractor regarding ongoing design • Identify, collect and pass on pre-construction information • Prepare/update health and safety file
Designers	<ul style="list-style-type: none"> • Eliminate hazards and reduce risks during design • Provide information about remaining risks 	<ul style="list-style-type: none"> • Check client is aware of duties and CDM co-ordinator has been appointed • Provide any information needed for the health and safety file

**Principal
contractors**

- Plan, manage and monitor construction phase in liaison with contractor
- Prepare, develop and implement a written plan and site rules (Initial plan completed before the construction phase begins)
- Give contractors relevant parts of the plan
- Make sure suitable welfare facilities are provided from the start and maintained throughout the construction phase
- Check competence of all appointees
- Ensure all workers have site inductions and any further information and training needed for the work
- Consult with the workers
- Liaise with CDM co-ordinator regarding ongoing design
- Secure the site

Contractors

- | | |
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| <ul style="list-style-type: none"> • Plan, manage and monitor own work and that of workers • Check competence of all their appointees and workers • Train own employees • Provide information to their workers • Comply with the specific requirements in Part 4 of the Regulations • Ensure there are adequate welfare facilities for their workers | <ul style="list-style-type: none"> • Check client is aware of duties and a CDM co-ordinator has been appointed and HSE notified before starting work • Co-operate with principal contractor in planning and managing work, including reasonable directions and site rules • Provide details to the principal contractor of any contractor whom he engages in connection with carrying out the work • Provide any information needed for the health and safety file • Inform principal contractor of problems with the plan • Inform principal contractor of reportable accidents, diseases and dangerous occurrences |
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**Workers/
everyone**

- Check own competence
- Co-operate with others and co-ordinate work so as to ensure the health and safety of construction workers and others who may be affected by the work
- Report obvious risks