

SUBJECT: REPORT OF THE PEOPLE SCRUTINY COMMITTEE: CALL-IN OF SECTION 106 FUNDING FOR CALDICOT

MEETING: Council

DATE: 31st August 2023

DIVISION/WARDS AFFECTED: All

1. PURPOSE:

- 1.1 To provide Council the opportunity to consider the decision taken by Cabinet on 26th July concerning the use of section 106 funding for Caldicot. This follows the call-in of the decision and the subsequent recommendation of the People Scrutiny Committee to refer the matter to full Council.

2. RECOMMENDATIONS:

- 2.1 That Council considers the discussion held at the People Scrutiny Committee and makes a decision whether to:
- i) Accept the Cabinet Decision; or
 - ii) Refer the Decision to Cabinet for reconsideration (with reasons)

3. KEY ISSUES:

- 3.1 The Council's Constitution gives scrutiny committees the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet. This is one of the ways in which the executive can be held to account.
- 3.2 The Constitution requires that a Scrutiny Meeting is held within 15 working days of the receipt of a call-in of an Executive decision to consider the call-in request. Following debate of the issue, the Committee can either:
- Accept the Cabinet decision; or
 - Refer the matter back to the Cabinet with reasons; or
 - Refer the matter to full Council for consideration with reasons.
- 3.3 On 26th July Cabinet considered a report recommending that £439,286 of section 106 funding received from the development of the Sudbrook Paper Mill site be used to increase the capacity and improve accessibility at Castle Park Primary School. The report outlined that the selection of this site was influenced by the need to spend the funding within 2023. The report committed to future section 106 funding being used to carry out work at Archbishop Rowan Williams Church in Wales School. This would follow a feasibility study and ARW school to identify how funding could be used most effectively at that school and, if necessary to allow consultation to take place.
- 3.4 The decision made by Cabinet was:

- That Cabinet agrees that a budget of £439,286 is created in 2023/24 Capital Programme to fund adaptations at Castle Park Primary School to improve accessibility and increase the school capacity from 210 to 261 pupil places with effect from 1st September 2024.
- The £439,286 will be funded by a S106 contribution from the development of the Sudbrook Paper Mill Site. This funding has been received into the Council's budget.
- The remaining S106 funding due from two other housing developments in the Caldicot area, Church Road and Crick Road, will be used to fund improvement works at Archbishop Rowan Williams VA School as and when the funding is received into the Council's budget.

3.5 The decision was subsequently called in for the following reasons:

“This decision is contrary to the consultation carried out in 2021 and now proposes to fund a school with surplus places instead of an oversubscribed school in desperate need of additional places. Castle Park is neither the catchment or nearest (or even second nearest school) for the Paper Mill development and it is wrong that Archbishop Rowan Williams Church in Wales Primary will not get a penny of the section 106 funding from this estate.”

- 3.6 The Special People Scrutiny Committee held on 10th August 2023 considered the call-in of this decision and the Members who called in the decision outlined their reason for doing so. The Cabinet Member for Education attended and provided his response.
- 3.7 The Cabinet decision report provides full context of the key issues relating to the decision taken on 26th July 2023, outlined in section 3 together with an options appraisal provided under section 4, accessed via <https://democracy.monmouthshire.gov.uk/documents/s35508/3.%20Castle%20Park%20S106-.pdf>
- 3.8 The Committee Members discussed the pupil numbers at the schools concerned: Castle Park primary having 190 pupils with a capacity of 210 pupils and Archbishop Rowan Williams School having 206 pupils with a capacity of 210 pupils.
- 3.9 Some Members of the Committee suggested that Archbishop Rowan Williams School would benefit more from the Section 106 monies and would have local mitigating need and that the decision was illogical. Other Committee Members felt that given the close proximity of the schools, the money could be used to secure immediate benefit for Castle Park primary and suggested monies could be utilised at a later date for Archbishop Rowan Williams School at a future date.
- 3.10 In terms of the legality of the decision, the Deputy Monitoring Officer confirmed that schools within the cluster could benefit from the funding as stated in the Section 106 agreement.
- 3.11 Relating to the specific matters raised in the calling-in of the decision, officers advised that the recommendation was influenced by timing to ensure funding can be spent within the required timescales, given that agreements are drawn up long in advance of monies being received. The Cabinet Member confirmed that section 106 money from the Church Road scheme would go towards improvements Archbishop Rowan School.

- 3.12 Appendix 1 provides the formal minute of the call-in and a fuller account of the debate being available via <https://democracy.monmouthshire.gov.uk/ieListDocuments.aspx?CId=304&MId=5857>
- 3.13 The debate that took place led the committee to confirm its intention to refer the decision for reconsideration, and following a vote, the majority agreed to refer the decision to full council for the following reason:

- It's unfair to Archbishop Rowan School and the community of Portskewett.

4.0 EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):

- 4.1 There are no direct considerations from this report.

5. EVALUATION CRITERIA

- 5.1 Not applicable.

6. REASONS:

- 6.1 To refer the decision taken on 26th July 2023 on Section 106 monies Caldicot to full Council, following scrutiny undertaken by the People Scrutiny Committee on 10th August 2023.

7. RESOURCE IMPLICATIONS:

- 7.1 There are no direct resource implications arising from this report.

8. CONSULTEES:

Chief Officer People, Performance and Partnerships
Chief Executive
Deputy Monitoring Officer

9. BACKGROUND PAPERS:

Appendix 1: Extract of the draft Minutes of the People Scrutiny Committee held on 10th August 2023 on the Section 106 monies for Caldicot.

10. AUTHOR:

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11. CONTACT DETAILS:

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