

5. Call-in of the decision taken by Cabinet on 26th July 2023 in relation to Section 106 Agreements for Caldicot

The Scrutiny Manager explained the Call-in process, as outlined in the Council's Constitution. Councillor Dymock spoke as the Call-in Lead, detailing the reasons for calling in the decision, as stated in the Call-in request. Cabinet Member Martyn Groucutt responded to the points of the call-in and Joanne Chase, Deputy Monitoring Officer provided clarification on the legality of the Section 106 agreement. Councillor Groucutt, Joanne Chase and Cath Saunders answered the members' questions.

Key points raised by Members:

- A member queried whether Section 106 monies had to be spent in the local area. The Deputy Monitoring Officer confirmed that schools within the cluster could benefit, as stated in the Section 106 agreement and that this was legal.
- Members discussed the pupil numbers at the schools concerned: Castle Park primary having 190 pupils with a capacity of 210 pupils and Archbishop Rowan School having 206 pupils with a capacity of 210 pupil.
- Some Members suggested that Archbishop Rowan School would benefit more from the Section 106 monies and would have local mitigating need and that the decision was illogical. Other 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 School at a future date.
- Officers advised that this was a matter of timing and ensuring monies can be spent within the timescale, given that agreements are drawn up long in advance of monies being received. The Cabinet Member confirmed that the second transfer of money from Church Road would go to Archbishop Rowan School.

Formal Outcome of the Scrutiny:

Following significant debate which can be accessed via the live stream, the Committee proceeded to a vote:

Four Members agreed to accept the Cabinet decision.

Five Members agreed to refer the decision to full Council, reasons cited as being unfair to Archbishop Rowan School and the community of Portskewett.

The decision to refer the matter to Council was carried.