

## KENT COUNTY COUNCIL

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### SCRUTINY COMMITTEE

MINUTES of a meeting of the Scrutiny Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Wednesday, 12 December 2012.

PRESENT: Mr R F Manning (Chairman), Mr D A Hirst (Vice-Chairman), Mr B R Cope, Mr G Cowan, Mrs T Dean, Mrs S V Hohler, Mr R J Lees, Mr J E Scholes, Mr C T Wells and Mr D L Brazier (Substitute for Mr P J Homewood)

ALSO PRESENT: Mr M J Whiting and Mr R W Gough

IN ATTENDANCE: Mr P Leeson (Corporate Director Education, Learning and Skills Directorate), Mr M Austerberry (Corporate Director, Environment and Enterprise), Mr J Farmer (Regeneration & Projects Manager), Mrs A Crease (Estates Surveyor), Mr P Sass (Head of Democratic Services), Mrs A Taylor (Research Officer to Scrutiny Committee) and Mrs M White (Area Education Officer - East Kent)

### UNRESTRICTED ITEMS

#### **10. Introduction/Webcast Announcement**

*(Item A1)*

- (1) The Chairman welcomed Members to the meeting, there had been a technical fault with the webcasting equipment and unfortunately it would not be possible to webcast or record the Scrutiny Committee meeting.

#### **11. Minutes of the meeting held on 24 October 2012**

*(Item A4)*

RESOLVED that the minutes of the meeting held on 24 October 2012 were correctly recorded and that they be signed by the Chairman.

#### **12. Amalgamation of Walmer Science College and Castle Community College Decision:- 12/01977**

*(Item B1)*

- (1) The spokespeople questioned the Chairman on the process for agreeing witnesses to the Scrutiny Committee. Disappointment was expressed that the Scrutiny Committee was one of the only Committees at which the public could put forward their views on issues and on this occasion this was not being done. It was considered that this was the most appropriate time to hear the views of local people and that an opportunity had been missed.
- (2) The Chairman explained that he had received the call-in request from Mr Christie which set out four issues for the Committee to investigate. The Chairman had emailed the spokespeople explaining that although he was open to the principle of public speaking at the Scrutiny Committee meeting he did not think it appropriate on this occasion as the purpose of the Scrutiny Committee meeting was to question the decision maker on his decision rather

than re-run the Education Cabinet Committee meeting or the public consultation process and hear the whole case again. One of the points raised by Mr Christie was the failure to circulate papers with sufficient time to allow Members an informed debate. The Chairman reminded Members that the Cabinet Member's decision was to agree to the issuing of a Public Notice to close Walmer Science College and that during the 6 week Public Notice period comments and objections could be made about the proposal. There would be a further formal decision at the end of January/February 2013.

- (3) A Member of the Committee concurred with the Chairman and stated that two public consultations had already taken place and there would be further consultation over the Public Notice. It was important to listen to local people but it was for the Education Authority to be mindful of the best education provision in a local area.
- (4) The Chairman welcomed the witnesses Mr M Whiting, Cabinet Member for Education Learning and Skills, Mr P Leeson, Corporate Director, Education, Learning and Skills, and Mrs M White, Acting Area Education Officer and invited Mr Christie to explain his reasons behind this call-in.
- (5) Mr Christie explained that the Education Cabinet Committee, on 21 November, had received papers on the morning of the meeting to consider and debate relating to the Walmer amalgamation decision. Consultation responses had also been placed in the Members' lounge for viewing. The consultation had had a high response with a large opposition, 86% of those who responded were not in favour of the decision and there was also a petition of over 2000 signatures. Mr Christie was not the local member but he was a member of the Education Cabinet Committee.
- (6) Forecasting pupil numbers was difficult, Mr Christie questioned the Council's forecasting figures and requested an explanation of why Kent's figures differed from the Save Walmer Group's figures. Mr Christie raised his concerns about the statement that the Walmer Science College governors voted unanimously in favour of the closure of the school, and that actually the vote was not unanimous, three governors voted against and two subsequently resigned. One of the local members, Mrs Julie Rook, was in favour of the decision but with caveats proposing a highways investigation and an independent review of the figures. Mr Christie stated that his chances of persuading the Cabinet Member to overturn his decision was remote, but this was the first opportunity and it was going to be more difficult once the Public Notice was issued. Mr Christie was unhappy that the Education Authority was handing over to an Academy, with a separate admissions policy and it was his hope that the Scrutiny Committee would recommend that the Cabinet Member reconsider his decision to post the Public Notice of closure.
- (7) In response to a request for clarity from the Chairman Mr Christie stated that it was not a certainty that the money would be made available from the Government and that the decision was conditional on this. There was doubt over the accuracy of the forecast pupil numbers as the local people had put forward an alternative forecast and wanted to challenge the Council's figures.

- (8) Members asked the officers how confident they were that the pupil figures were correct. It was understood that Dover District Council was also discussing this issue but no comment had been received at the date of the meeting. Mrs Dean confirmed that Mr Vye had also raised this decision as an issue for scrutiny; he had concerns around the quality of the buildings and their lack of suitability for the future. Walmer school buildings were a public asset and Members asked for assurance that they would be retained for educational use. Questions were also raised about whether the redevelopment funding figure discussed with the Secretary of State was sufficient and whether it was planned to replace like for like or improved facilities.
- (9) The local member for Deal and Walmer, Mr Kit Smith was invited to address the Committee. He had listened to and sought out opinions about the proposal to amalgamate but had not made a decision until the meeting of the Education Cabinet Committee. Mr Smith was confident that he had heard everything that there was to say about the proposed decision. He had held 10 hours of face to face meetings, attended two public meetings in schools and had a session with the 6<sup>th</sup> form and with the Chair of Governors and Headteachers. Mr Smith had also spent two hours talking to the Save Walmer College Group on 20 November. Mr Smith was confident that the forecasting numbers were robust, variables had been taken into account and he was confident that the figures did not fit the requirement for two separate schools. With regards to the site Mr Smith would secure, as far as possible, the site remaining open for educational purposes.
- (10) Mr Ridings was the local member for Sandwich; he had chaired the public consultation meetings and was confident in the forecast figures. No significant changes had been seen in the numbers of primary school students in the past 5 years. The number of students was likely to decrease by 2016 which reduced the flow of pupils into secondary schools. New residential development was mainly taking place in Whitfield and Aylesham and on that basis Mr Ridings didn't see that there would be a big increase in secondary school pupils in Walmer and Deal. These numbers had been reported previously at the Education Cabinet Committee and Mr Ridings did not believe that there had been a paucity of information. Due to the deadline of the consultation some of the papers had been late, for which an apology had been made, and the full consultation response was available in the Members' lounge.
- (11) Mr Cowan was the local member for Dover Town; he considered that with the number of new homes being built in the area the school figures produced by the Save Walmer Group were justified.
- (12) Mr Whiting stated that on 12 September the Education Cabinet Committee received a report on the forecast pupil numbers along with a report from the Governors proposing a merger of the two schools. On 13 November Democratic Services published a report setting out the consultation responses, the appendix to that report did state that a final version would be tabled. On 20 November the final appendix summary of consultation responses was published, it was not normal practice to make all the individual responses available however these had been placed in the Members' lounge and were

removed on 3 December for review by Mr Whiting before he took his decision. In response to a query Mr Whiting confirmed that there had been a high response to the consultation.

- (13) Mr Leeson confirmed that when putting together the education commissioning plan (which set out the requirements for schools) officers looked very carefully at birth data, transfer rates into secondary schools, local preferences and planning developments. The plan had been tested at every district council in Kent. The figures had been debated in detail at the Education Cabinet Committee and the projected numbers for both schools to 2020/2021 were not sufficient to sustain two secondary schools.
- (14) Mrs White explained that the Save Walmer Science College Group's figures were based on the whole of Dover District whilst the Council's were looking specifically at the Sandwich/Walmer/Deal area. Historical and current patterns of travel to school were taken into account and there was no suggestion of change.
- (15) Members asked for clarification of the funding from the Secretary of State – had agreement been received before the suggestion to amalgamate the two schools? What would the funding provide and would it support the continuation of facilities at Walmer Science College?
- (16) Mr Leeson explained that the funding would go towards a brand new building, not a refurbishment. There was a clear view, through the consultation, that the Walmer site should be retained for education purposes. Members queried why the funding couldn't go towards both schools or to improving Walmer, Mr Leeson explained that the Council had to bid for funding and had been successful in relation to 14 schools in the county. Castle school was one of the successful ones and the money was allocated to a particular school with no further discussion. The Castle school had been awarded funding for a rebuild at its current size, subsequent discussions have been had about the school in the future if it was to amalgamate.
- (17) Mr Whiting explained that there were no plans to build a grammar school on the existing site; there was no viable alternative to the proposal. The Education Cabinet Committee voted unanimously in support of the proposal. Mr Whiting stated that education provision would be maintained at the Walmer site for at least five years.
- (18) In response to a query it was confirmed that no visits of the Education Cabinet Committee to the schools was arranged.
- (19) Mr Whiting confirmed that having listened to the points raised by Mr Christie and the subsequent debate his view remained the same, and that the decision he had made was sound.
- (20) Mrs Dean raised a point about ease of access to information on this issue. It was considered that the Cabinet Member had not made the best effort to ensure that Members or the public were able to readily access the relevant information. Mrs Dean asked that all the relevant information be put together on KCC's webpage so that it could be accessed in one place by all interested

parties. She regretted the decision not to hear from the public as witnesses and considered that this was against the previous practice of the Scrutiny Committee. The consultation process was still running and Members needed to be clear on the Governors views, many of the issues raised would be for the future Governing body of the amalgamated schools rather than issues for the Council.

- (21) Mrs Hohler proposed that the Committee noted the comments made and did not require reconsideration of the decision, this was seconded by Bryan Cope and was put to the vote:

For	8
Against	1
Abstain	1

The proposal was carried.

RESOLVED that the Scrutiny Committee:

- (22) Thank Mr Whiting, Mr Leeson and Mrs White for attending the meeting and answering Members questions
- (23) Request that a webpage be developed containing all information relevant to the proposal to amalgamate Walmer Science College and Castle Community College. This would allow all interested parties to easily access the information in one place.
- (24) Ask the Cabinet Member for assurance that the Walmer Science College buildings, which were a public asset, would be retained for future educational use.
- (25) Does not require reconsideration of the decision.

### **13. Select Committee - Apprenticeships**

*(Item D1)*

- (1) The Scrutiny Committee received a report proposing the establishment of a Select Committee to look at the Council's Apprenticeship Scheme.
- (2) Mr Wickenden introduced the report and explained that since the introduction of the new Governance Arrangements in April 2012 the Scrutiny Committee had a remit for establishing Select Committees.

RESOLVED that the Scrutiny Committee:

- (3) Thank Mr Wickenden for presenting the report, and
- (4) Approve the establishment of a Select Committee, with the Membership set out in sub paragraph 2 (2) of the report to examine and make recommendations on the County Council's Apprenticeship Scheme as set out in the draft terms of reference attached to the report.

#### **14. Exclusion of the Press and Public**

*(Item )*

That under Section 100A of the Local Government Act 1972, the press and public be excluded from the meeting for the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

#### **15. Fastrack Phase 1 Major Scheme - Compulsory Purchase Order Claim by Darent Valley Hospital Trust, Dartford**

*(Item C1)*

#### **Public Summary of the Exempt Minute:**

The Committee received a report on the Fastrack Phase 1 Major Scheme - Compulsory Purchase Order Claim by Darent Valley Hospital Trust.

The Committee discussed this issue and made some specific recommendations to the Cabinet Member.