

**Medway Council**  
**Meeting of Children and Young People Overview and**  
**Scrutiny Committee**

**Monday, 12 November 2018**

**6.30pm to 8.35pm**

**Record of the meeting**

**Subject to approval as an accurate record at the next meeting of this committee**

**Present:** Councillors: Aldous, Cooper, Fearn, Franklin, Gilry, Johnson, Joy, Kemp, Opara, Paterson, Royle (Chairman), Saroy and Wicks (Vice-Chairman)

**Co-opted Members with voting rights on educational issues only:**

David Lane (Parent Governor Representative)

**Added members without voting rights:**

Thomas Baldock (Medway Youth Council Chairman), Margaret Cane (Healthwatch Medway CIC Representative), Fay Cordingley (Teacher Representative) and Roli Enonuya (Medway Youth Council Cabinet Member)

**Substitutes:** Councillors:  
Carr (Substitute for Purdy)

**In Attendance:** Perry Holmes, Chief Legal Officer/Monitoring Officer  
Teri Reynolds, Democratic Services Officer  
Ian Sutherland, Director of People - Children and Adults Services  
David Watkins, Head of Education

**523 Apologies for absence**

Apologies for absence were received from Councillor Purdy, Akinola Edun (Parent Governor representative), Clive Mailing (Roman Catholic Diocese) and the Medway Parent and Carers Forum.

**524 Record of meeting**

The record of the meeting held on 4 October was agreed and signed by the Chairman as correct.

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### 525 Urgent matters by reason of special circumstances

There were none.

### 526 Disclosable Pecuniary Interests or Other Significant Interests and Whipping

#### Disclosable pecuniary interests

There were none.

#### Other significant interests (OSIs)

Councillor Cooper declared an OSI in any reference made to Rivermead School by virtue of her position as a Governor at the school and would leave the room should there be any specific discussion on Rivermead School.

David Lane (Parent Governor representative) declared an OSI in any reference made to Abbey Court School by virtue of his position as a Parent Governor at the school and would leave the room should there be any specific discussion on Abbey Court School.

#### Other interests

There were none.

### 527 Call-in: Special Educational Needs and Disabilities Provision Proposal

#### **Discussion:**

Councillor Johnson introduced the report, explaining the reasons behind the call in of the Cabinet decision 125/2018, as set out in the report. He confirmed that the Labour Group were not opposed to the principle of additional autistic spectrum disorder (ASD) provision but raised a number of concerns, on behalf of the Members that had called in the decision, which related to delivery of the project by Medway Commercial Group (MCG), finances and the proposed site.

- **Suitability of MCG** – he expressed concern in relation to MCG's lack of experience in delivering a £25million project. Concerns had previously been raised in other meetings in relation to services currently provided by MCG, such as CCTV and Governor Services and there was therefore concern for the Members in relation to the capacity of MCG to deliver on a much larger project. He also expressed the view that the role of MCG was unclear, and questioned why Medway Development Company were not instead being used and whether any other organisations had been considered before deciding to work in partnership with MCG on this project.
- **Funding** – he expressed concern that the financing arrangements for the project were still vague and unclear, which raised concerns for the Council. He referred to section 4.3 of the report which referenced the need for a

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detailed business case and suggested that when this had been completed and when there was a definite decision on the financing of the project, that these should be open to scrutiny.

- **Site** – he lastly expressed concern in relation to the site being proposed, listing the site's proximity to other large educational provision, the traffic and road layouts at the site which were congested at peak times, the cemetery adjacent to the site and the impact on visitors of the cemetery and local residents. He requested further details about why the proposed site at Cornwallis Avenue was chosen and what other sites had been considered.

The Director of People – Children and Adults and the Head of Education responded to the questions and comments raised. The officers confirmed the significant and rapid increase in demand for Special Education Need and Disability (SEND) provision in Medway, explaining that there had been a 55% increase in demand of SEND places in the last four year period. They then responded to the three specific areas:

- **MCG** – Officers explained that MCG was a Local Authority Trading Company (LATCo) which worked with the Council on a number of services. It was confirmed that the project was at a very early stage and that MCG had identified a range of consultants with the industry recognised expertise to assist with the development of a detailed business case. Officers stressed the role of the Programme Board which had been set up to oversee the project's progress and that the purpose of the Cabinet report had been to demonstrate the work so far on the project and to obtain approval to move the project forward. It was also confirmed that, at the relevant point, there would be a full procurement exercise in relation to the contracts for construction of the site and provider of the service. Furthermore, officers confirmed that the directorate already worked with MCG in relation to telecare services which also provided MCG with a broader knowledge of health and care needs of the community and experience of innovative uses of technology to support people.
- **Financing** – Officers explained that in relation to funding options, there was more flexibility available to MCG as a separate entity, than those available to the Council. Options for the funding, such as social ethical funding and prudential borrowing were still being explored, which was considered to not be unusual for the stage the project was at. It was added that senior finance colleagues would have oversight of the project through their position on the Programme Board.
- **Site** – Officers emphasised the difficulty the Council had in identifying suitable sites for all free school proposals. The site being proposed had previously been used as a school playing field and was due to be recognised as land for educational provision in the forthcoming Local Plan update. Issues around traffic, congestion and accident risks would be given careful consideration and plans taken to mitigate these issues.

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Officers also explained that because the site was flat, it reduced the cost of preparing the land ready for the building. The site was also large enough to accommodate the learning village aspirations the Council had for this provision to accommodate the various needs of the young people.

Transport links to the site were also good for those living in Medway and those travelling from other local authority areas.

Members then raised a number of comments and questions, which included:

- **Tender Process** – in response to a request for further detail in relation to the tendering of contracts, officers confirmed that the tender processes for both the construction of the site and the provider of services at the site would be carried out at the relevant stages to ensure that both contracts were awarded to providers that could offer the best quality and value for money and the Head of Education had significant experience in this.
- **Communication with the local community** – in response to a question about what communication there would be with the local community, officers explained that there had not been any consultation at this early stage of the project but that there would be at relevant stages as the project developed further. Communication would take place via various methods, such as; newsletters, presentations, sharing of plans and surveys. Also, in terms of the tender for construction, it would be ensured that providers complied with the Considerate Constructors Scheme.
- **Highway concerns** – a Member raised her concerns about the road layout, explaining that accidents frequently occurred at the roundabout next to the site. It was confirmed that this would be an area of focus in designing of the site to put in plans to mitigate these risks.
- **Concerns relating to MCG** – Some Members continued to raise concerns about MCG's ability to deliver on the project effectively, citing recent issues with CCTV in particular, where a number of concerns about this service provided by MCG had recently been raised with the Council. Some Members explained that this therefore weakened their confidence in MCG.
- **Added value of MCG** - in response to a question about what the added value was of MCG and its involvement in the project, officers confirmed that MCG had added much needed capacity to the project and had enabled the involvement of relevant expertise to inform the project's development.
- **Lack of transparency** – some Members expressed the view that there had been inadequate transparency in the setting up of the project, the identification of the site and the involvement of MCG. Officers reassured Members that the project was at an early stage with decisions around the design, funding of the project or providers of construction work and of services at the site, still to be made. The involvement of colleagues from legal and finance was also emphasised in terms of their oversight of the project.

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- **Reassurance** – Other Members emphasised that they felt reassured by the information provided by officers at the meeting and in the report and understood the pressure in demand for the additional provision to reduce children and young people being placed at SEND provision outside of Medway.
- **Impact of delay** – a member asked about the impact of any delay caused by referring the matter back to Cabinet. In response officers explained that any delay, although it may not directly impact on the provision's readiness for 2020, would be regrettable as the timeline to achieve this was very tight.
- **Long term demand** – in response to a question about whether the provision would be able to accommodate demand in the long term, officers explained that because it was planned to be substantial in size and large enough to accommodate Medway's own children and young people and also those within other local authorities, if local demand increased then Medway could access more of the places. In addition, because it was envisaged the provision would be a multi-functional complex with alternative provision on site, if needed this could be converted to additional educational places, therefore the provision envisaged would provide flexibility to be able to adapt with any changes in demand.

The following proposal was then moved:

That the Committee welcomes this proposal for improved SEN provision. The Committee resolves to refer the decision back to cabinet for:

1. A detailed account of the range of delivery options considered and a clear statement of why MCG were chosen.
2. Publication of the Business Case and its submission to Overview and Scrutiny for discussion.
3. Clarification of the funding mechanism and its submission to Overview and Scrutiny for discussion.
4. Clarification of which sites were considered for this provision, the mechanism used to assess their suitability, and the reasons why Cornwallis Road was deemed the most appropriate.

On being put to the vote, the proposal was lost.

In accordance with Council Rule 12.6 the following Members asked that their votes in favour of the proposal be recorded: Cooper, Gilry, Johnson and Paterson.

It was then moved that the Cabinet decision be accepted and therefore no further action be taken. This was carried.

In accordance with Council Rule 12.6 the following Members asked that their votes against the proposal be recorded: Cooper, Gilry, Johnson and Paterson.

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**Decision:**

The Committee agreed to accept the Cabinet decision and take no further action.

**Chairman**

**Date:**

**Teri Reynolds, Democratic Services Officer**

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