

**JOINT MEETING OF THE CHILDREN AND EDUCATION SCRUTINY COMMITTEE AND
GROWTH, RESOURCES AND COMMUNITIES SCRUTINY COMMITTEE
CALL-IN
HELD AT 10.00AM, ON
FRUDAY, 2 AUGUST 2024
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

Committee Members Present: Allen, Bisby, Blakemore-Creedon, Farid, JR Fox, Hemraj, Hogg, Jenkins, Khan, Mahmood, Ormston, Rafiq, Rangzeb, Ray, Sabir, Asif Shaheed (Chair), Skibsted, Strangward and Wiggin.

Co-opted Members: Brennan and Sandford.

Officers Present: Charlotte Cameron, Senior Democratic Services Officer
Neil McArthur, Director Legal and Governance and Monitoring Officer

Registered Speakers: Councillor Judy Fox
Sally Weald, representative of Werrington Neighbourhood Council
Andrew Pakes MP
Jan Forster
Tony Forster
Nyree Ambarchian, Save Werrington Fields
Councillor Katy Cole, Cabinet Member for Children's Services
John Gregg, Executive Director, Children and Young People's Services
Simon Lewis, Service Director of Commercial Partnerships, Property and Assets
Damien Whales, Headteacher Ken Stimpson Academy
Mike Sandeman, Four Cs Multi Academy Trust, CEO

1. APPOINTMENT OF CHAIR

The Senior Democratic Services Officer advised the Committee that in accordance with Part 4, Section 8 – Scrutiny Committee Procedure Rules, section 13, Joint Meetings of Scrutiny Committees, a Chair would be required to be appointed from among the Chairs of the Committees who were holding the meeting.

Nominations were sought from those present who were Councillor Asif Shaheed, Chair of the Growth, Resources and Communities Scrutiny Committee and Councillor Skibsted, Chair of the Children and Education Scrutiny Committee.

Councillor Shaheed was nominated by Councillor Skibsted and seconded by Councillor Ormston. There being no further nominations, Councillor Shaheed was appointed Chair of this committee.

The Chair welcomed everyone present and explained that the purpose of the meeting was to consider the call-in of the decision Ken Stimpson Academisation JUL24/CAB/15.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ayres, Ellis, Hillier, Geraghty, Thulbourn and Warren.

The councillors in attendance as substitutes were Allen, Rafiq, Sabir and Wiggin.

3. DECLARATIONS OF INTEREST

Councillor Blakemore Creedon declared that she was a student at Ken Stimpson Academy.

4. REQUEST TO CALL IN AN EXECUTIVE DECISION - KEN STIMPSON ACADEMISATION JUL24/CAB/15

The Chair introduced the item and talked the Committee through the call-in and what they had been asked to consider. The Chair referred to the speaking scheme and reminded those present that this was the procedure he would follow.

Councillors John Fox and Hogg were invited to the speakers table to present their reasons for the call-in and key points made included:

- The decision made by Cabinet had not been transparent and the people of Werrington should have been given the opportunity to hear a meaningful debate.
- The area required to be fenced had grown from 4 pitches to 8 and the public should have been told why.
- The Councillors argued that the people of Werrington had been left out of the decision-making process.
- Ken Stimpson was a small school in comparison to the area requested to be fenced off.
- The fencing of 4 pitches would have been a good proposal for both sides of the debate.
- Members felt that the decision had been made prior to the Cabinet meeting in July and the call-in was crucial for the transparency of the decision.
- Members criticised the lack of consultation.

The Chair then invited Councillor Judy Fox, Sally Weald of Werrington Neighbourhood Council, Nyree Ambarchian of Save Werrington Fields, Andrew Pakes MP, Jan Forster and Tony Forster to the speakers table to present their case in favour of the call-in and key points raised included:

- They agreed with the case for the call-in presented by Councillors John Fox and Hogg.
- They noted that the proposals did not have broad public support, and this was a highly contentious issue.
- There should have been clear and transparent answers at the Cabinet meeting.
- The residents of Werrington had been promised transparency however, there had been no debate at the Cabinet meeting.
- They criticised that lack of consultation and quality health impact assessment.
- The ongoing issue had not been good for the community or school, and they urged Cabinet to reconsider the decision.
- They could not understand why the Council had had to pay for the fence.
- Safeguarding concerns had not been evidenced and they queried the need for the 8 pitches.
- They emphasised that the school had not detailed how they would make full use of the pitches in question.
- The decision required careful consideration and the conduct of members at the Cabinet meeting had been a concern. The lack of debate highlighted a lack of meaningful decision making.

- All speakers agreed that it had felt that the decision had been made prior to the Cabinet meeting.

Members of the Committee were invited to ask questions of those who had made or supported the call-in, which included:

- Members sought clarification on the lack of consultation with ward councillors and asked whether their views had been included in the Cabinet report. The ward councillors advised that they had been hardly consulted with.
- The Committee were advised that residents felt that the decision had already been made and that the radio interview with the Leader had confirmed that.
- Members queried whether the speakers felt the school should pay for the fencing and were advised that it was felt they should.
- Members sought clarification on the use of the land and whether it had been designated as educational. Officers were asked to confirm, and Members were advised that the area in question had been designated for educational use.
- Members asked the speakers if they had spoken with pupils at the school and the speakers confirmed that they had not.

The Chair referred to the recommendation within the report and asked the Committee to confirm if they were happy that it had been dealt with. The Committee **UNANIMOUSLY** agreed.

AGREED ACTIONS

The Children and Education and Growth, Resources and Communities Scrutiny Committees considered the request to call-in a decision taken by the Cabinet in respect of the Executive Decision: Ken Stimpson Academisation JUL24/CAB/15 as attached at appendix 1.

5. RESPONSE TO CALL IN AN EXECUTIVE DECISION - KEN STIMPSON ACADEMISATION JUL24/CAB/15

The Chair introduced the item and invited the Cabinet Member, Councillor Katy Cole. Executive Director Children and Young People's Service, John Gregg and Service Director Commercial, Property & Asset Management, Simon Lewis to the speakers table to respond to the call in, key points raised included:

- The Cabinet Member welcomed the recommendations within the report and advised that the Cabinet had listened to concerns and were keen to take on board the different opinions.
- The land in question had been designated for education use and the school had rights to the land following their academisation.
- The school had been unable to use the land for a number of years due to concerns regarding pupil safety.
- Members were advised that alternatives had been considered but they did not comply with the legislation and guidance that the authority had to follow.

The Chair then invited Damien Whales and Mike Sandeman to the speakers table to present their case in favour of original decision and key points raised included:

- A number of points raised echoed those made by the Cabinet Member and supporting Officers.
- The implications had been significant for the school and reiterated that area to be fenced off was designated educational land.

- The police had been called to the area on numerous occasions to address safety concerns.
- Members were advised that the school had not requested a new fence but an extension to the current one.
- They acknowledged a point in the previous discussion that confirmed that the students voice had not been heard.
- The staff involved were advocates for young people and the request for the fence had not been driven by money.

Members of the Committee were invited to ask questions of those who had responded to the call-in and supported the original decision, which included:

- Members queried why the compromise had been useless to the school and were advised that the safeguarding concerns had meant that the compromise would not work. It was important to protect children from perceived and real threats.
- Members asked what a compromise would look like and were advised that it was felt there had already been significant compromise.
- It was not for officers of the school to compromise on the safety of young people.
- Members were advised that the Council was required to facilitate the academisation of the school and that they were required to lease the land.
- Members acknowledged that the decision had been kicked around and that there had been many controversies.
- The Cabinet Member was asked to respond to the comments around the pre-determination of the Cabinet meeting. She noted that she would not have asked questions of her own report at the meeting and emphasised that the Cabinet had listened to residents' concerns.
- Officers had followed guidance in relation to the size of the land and were not aware of any unfenced, educational land.
- Members noted that the decision regarding the designation of the land had been made by the Department for Education. (DFE)
- Members expressed their sympathy for the ongoing case and were thankful that the Committee's views could be heard.
- Members argued that previous arrangements had been overlooked as a result of the academisation and called on the Officers to consider access to the fields outside of school hours.
- The Head Teacher confirmed that the community were permitted to use the land outside of school hours under the current dual use agreement.
- The school had determined the land was not safe to use around 5 years ago.
- Members asked how many safeguarding incidents had been recorded in the lead up to the decision. Members were advised that the number of incidents was irrelevant as one would be too many.
- Members sought clarification on whether the council should pay for the fence. Officers advised that a commitment had been made by the Council to fund the fencing and that they were liable for future charges.
- Members queried the allocation of the Cabinet portfolio and were advised that the Cabinet would welcome an opportunity to reconsider the decision.
- Members argued that this was not just a matter for the young people at the school but for all young people.
- Members were advised that the lease of the land would be signed once the matter had concluded.
- The Committee were advised that after the fencing of the 8 pitches, there was still a significant area of land left for community use.
- It was noted that if the ward councillors had not been consulted with, then this had been a breach on procedure in the Council's constitution.

- Members queried what the consequences would be if they were to go against the decision and sought clarity on the influence the Council had on the fencing of the land.
- Advice had been sought from Planning officers on the specification required for the fencing.
- Members were advised that Ofsted had previously failed schools that were not adequately fenced.
- Members were also advised that the next Ofsted inspection was due in 12-18 months and that the school were likely to fail due to the fence not being in place.

The Chair referred to the recommendation within the report and asked the Committee to confirm if they were happy that it had been dealt with. The Committee **UNANIMOUSLY** agreed.

AGREED ACTIONS

The Children and Education and Growth, Resources and Communities Scrutiny Committees considered the response from officers to the call in of the Ken Stimpson Academisation JUL24/CAB/15 report which set out how member concerns had been addressed and also contained previously exempt financial and condition survey information.

The Chair indicated that it was time for debate and that there would be no further questions or statements from anyone other than the Committee.

The Committee then debated the recommendations and key points raised included:

- Both sides of the argument had been heard and Members praised the stance of the Cabinet Member.
- Members welcomed the agreement that the decision required reconsideration.
- The community had been using the space for decades and when the school had been built, it had been built for community use.
- The Council needed to consider how much space other academies have when determined how much of the fields should be fenced off.
- The Councillors praised Werrington Ward for coming together and urged the Committee to listen and send the decision back to Cabinet.
- Members emphasised that the voices of the young people at the school needed to be heard and not just members of the community who were against the fence.
- Members suggested that Cabinet should consult Full Council on the matter.
- Members noted that open public spaces were vital for mental health and wellbeing.
- The Committee agreed that the decision should be reconsidered by Cabinet and the voices of all parties should be heard.

The Chair concluded the debate and outlined the options for the Committee to take and invited Members to put forward any recommendations.

The Monitoring Officer provided clarity on what the Committee could do in terms of referring the matter to Full Council.

The following recommendation was put forward by Councillor Ray and was **UNANIMOUSLY** agreed that: Cabinet refer this item to Full Council to get the views of members, allowing time for sufficient public consultation, and for Council to then make two recommendations back to Cabinet, the first surrounding the amount of land to be included in the lease to Ken Stimpson Academy, and the second to be regarding the amount of open space, if any, that the council will fence off from public access, along with the specific requirements of the fence for safeguarding purposes.

RECOMMENDATION

The Committee decided to refer the decision back to Cabinet for reconsideration, setting out in writing the nature of its concerns and any alternative recommendations, as outlined above.

CHAIR

Meeting started at 10.00am and finished at 13:05pm