

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 9 June 2014.

PRESENT: Councillors N J Walker (Chair), C Hobson, Junier, McIntyre, Mawston, P Purvis, Sanderson, M Thompson and Williams.

PRESENT BY INVITATION: Councillor Budd, Deputy Mayor and Executive Member for Finance and Governance, Chair of Executive Sub-Committee for Property
Councillor Cox, Originator of the Call-In.

ALSO IN ATTENDANCE: Councillor Hubbard.

PRESENT AS OBSERVERS: Councillors McPartland, McTigue and Saunders.

OFFICERS: J Bennington, M Canavan, A Crawford and G Maddison.

APOLOGIES FOR ABSENCE were submitted on behalf of Councillors Dryden, P Sharrocks, J A Walker and Cole (substitute).

DECLARATIONS OF INTERESTS

There were no declarations of interest made at this point of the meeting.

1 CALL IN - FUTURE OF NETHERFIELDS COMMUNITY CENTRE

Following introductions the Chair outlined the purpose of the meeting and remit of the Board in terms of the Call-In.

The Scrutiny Support Officer presented a report outlining the Council's Call-In procedure (Appendix 2); the report (Appendix 1) considered and the decision taken at a meeting of the Executive Sub-Committee for Property held on 19 May 2014; and the reasons given to the Council's Monitoring Officer initiating the Call-In Procedure in relation to the decision taken in respect of a report on the future use of Netherfields Community Centre.

The reasons given for initiating the Call-In were reported as follows:-

(i) Cost. The centre is to close to save money yet this transfer will cost £250,000.

(ii) The Community Asset Transfer to the Centre Management Committee was not given enough consideration and Council officers were actively working against the committee, by directing prospective users away from the centre and to the Thorntree Hub.

(iii) No consideration given to the effect on the local community. None of the activities lost will be accommodated by Priory Woods School.

The Executive Sub-Committee for Property at its meeting held on 19 May 2014 had agreed the following recommendations:-

1. That the use of Netherfields Community Centre to facilitate an extension to Priory Woods School be approved; and

2. That Priory Woods School is encouraged to work with the local community to accommodate their aspirations wherever possible.

The Chair explained the procedure to be followed at the meeting and confirmed that in accordance with the Council's Constitution the Chair's approval had been sought from the originator of the Call-in to call a witness. The Constitution provided that any person appearing at a call-in as a witness may only provide factual information.

The Deputy Mayor and Executive Member for Finance and Governance and Chair of the Executive Sub-Committee for Property confirmed his intention to focus on the key issues of the report considered by the Executive Sub-Committee for Property, the reasons given for the Call-in and a brief summary of how the user groups at the Centre had been accommodated. It was confirmed that the aspects outlined in the reasons for the Call-In had been considered by the Sub-Committee.

Netherfields Community Centre had been identified as being surplus to Council requirements following a Community Buildings Review in 2011-2012 and inclusion of the building for disposal as part of a cost rationalisation exercise undertaken under the Authority's 2013/2014 budget process. Alternative options for the future of the building had been considered, including community asset transfer.

The Executive Sub-Committee for Property had considered a recent approach which had subsequently been received from Priory Woods School to utilise the centre as an extension to their existing facilities at the school, as a vocational sixth form, from September 2014 and to enable an increased intake of pupils.

The Deputy Mayor and Executive Member for Finance and Governance called M Canavan, Project Officer and G Maddison, Strategic School Planning Officer, to assist in clarifying the position and provide background information.

In making the decision the Executive Sub-Committee for property had considered the main issues covered in the report which included the impact on Priory Woods School; budget consideration; opportunity of providing sufficient places for children to attend the School; and available alternative options.

Information was provided in relation to the financial considerations. The Council had a statutory requirement to provide sufficient school places for children with special educational needs (SEN), many of which were currently provided through facilities at one school, namely, Priory Woods School. In the event of the Council not being in a position to cope with the increasing demand for SEN places then alternative private special educational needs placements would have to be secured outside of Middlesbrough resulting in a strong likelihood of incurring higher costs.

The current estimated capital costs of the proposals were reported as approximately, £250,000 from a ring-fenced education capital budget and an indication given that such costs could be recouped from revenue savings in the first year of not having to secure private SEN placements. The estimated costs of developing suitable new independent accommodation were indicated at £1 to £1.5 million.

In terms of the consideration of a Community Asset Transfer (CAT) it was confirmed that various Council Officers had considered the original business case submitted from the Centre's Management Committee following which they had been advised that in the long term it was considered unlikely that the targets set out in the plan could be achieved. Following consideration of a subsequent Business Plan submitted by the Management Committee they were informed that the proposed usage and financial targets were not likely to sustain a sufficient level of income.

The Deputy Mayor and Executive Member for Finance and Governance drew Members' attention to one of the recommendations of the Executive Sub-Committee for Property in respect of Priory Woods Schools being encouraged to work with the local community to accommodate their aspirations wherever possible and confirmed that a number of discussions had taken place resulting in the majority of existing user groups taking up acceptable alternative accommodation. It was noted, however, that the scope for using school facilities required further discussion on possible options.

Councillor Cox was afforded the opportunity of asking questions of the Deputy Mayor and Executive Member for Finance and Governance and Officers.

Following clarification sought concerning timescales the Officers confirmed that initial discussions had commenced with the Management Committee in early June 2013 in respect of the Business Plan. Such timing was disputed and an indication given that the second Business Plan had still to be received during consideration of the Priory Wood approach.

Councillor Cox highlighted the main reasons for the Call-In.

In his initial comments Councillor Cox questioned the proposals in terms of making savings given the Council's decision to include the disposal of the Community Centre as part of a cost rationalisation exercise under the Authority's 2013/2014 budget process when the capital costs of remodelling the building to meet the demands of the school had been estimated at £250,000. Concerns were also expressed as to the financial impact and implications of the extent of and availability of the facilities as community usage should Priory Woods become an academy in the future indications of which had been given in April 2014 a month prior to the Executive Sub-Committee for Property making its decision.

Councillor Cox emphasised that the Centre Management Committee had been given insufficient consideration by Officers and the Executive Sub-Committee for Property to compile a detailed Business Plan and evidence had shown that prospective users of the centre had been directed elsewhere over several months. Specific reference was made to the current financial status of the Management Committee which was seen as a positive base for future development together with well experienced representatives of 13 years who had worked hard to achieve its current success.

Members' attention was drawn to the impact of the proposals on the local community with specific regard to potential difficulties relating to an overall lack of alternative social facilities in the area and the suitability and availability of school facilities to existing and potential users. Given the comments from members of the Youth Club the appropriateness of using school facilities was a concern. The distance to alternative venues for groups involving the elderly and mother and toddler groups was also a concern.

The Deputy Mayor and Executive Member for Finance and Governance was afforded the opportunity of asking factual questions of the originator of the Call-In.

In response to a question with regard to the extent to which Officers had assisted in finding alternative accommodation for Centre users was questioned. The need for Priory Woods School to have additional school facilities was accepted but on the basis of a partnership arrangement as previously indicated in Councillor Cox's presentation.

Members of the Overview and Scrutiny Board posed questions of all parties the responses from which focussed on the following: -

- (a) Clarification given of the Council's statutory requirement to provide sufficient school places for SEN but the use of Netherfields Community Centre for the relocation of certain sixth form provision was as a consequence from freeing up space within the main school building to accommodate an increased intake of pupils from across Middlesbrough.
- (b) Confirmation given of ongoing discussions with Priory Woods School regarding the availability of suitable facilities for groups such as the Youth Club but the comments from its members about the appropriateness of using such facilities was noted. Reference was made to discussions with the Head Teacher at Priory Wood School on the potential for increasing community use with special mention being made to a proposal to develop an internet café.
- (c) Following clarification sought the Officers confirmed that it had been considered that the figures provided in both of the Business Plans submitted by the Centre Management Committee for a possible community asset transfer did not provide a viable option for the future given the withdrawal of Council subsidy and requirement for projected income levels to achieve a 500% increase.

- (d) Further details had been sought regarding the implications of Priory Woods School becoming an academy with particular regard to the provision for an increased demand for SEN places and to the provision of facilities for community use.
- (e) The option agreed by the Executive Sub-Committee for Property ensured that the Council would meet its statutory requirement of providing sufficient places to children with SEN for September 2014 noting that the capital costs of remodelling the building were approximately £250,000 in comparison to the provision of new-build independent accommodation in the region of £1 to £1.5 million.
- (f) Recognition that it was a difficult task to relocate long standing Centre user groups from familiar surroundings although it was noted that largely groups had expressed satisfaction with their alternative accommodation details of which outlined.
- (g) Confirmation given that the Centre Management Committee had attracted potential new groups which could not be secured because of the uncertainty surrounding the Centre's future use.
- (h) The budget implications of the proposals were reaffirmed with particular regard to the required £250,000 capital funding from a ring-fenced education capital budget noting that none of the expenditure incurred would be met from the Council's Revenue Budget.
- (i) Confirmation given that the originator of the Call-In had been present at the meeting of the Executive Sub-Committee for Property held on 19 May 2014 and had provided a similar case to that presented to the Board details of which had been taken into consideration when the Sub-Committee had determined its decision on the options available.

Following closing submissions the Board discussed the evidence received and as part of its consideration referred to a number of important aspects.

It was acknowledged that the decision taken not to accept a possible community asset transfer on behalf of the Centre's Management Committee had been determined prior to the meeting of the Executive Sub-Committee for Property on 19 May 2014 and as such could not be referred back for reconsideration.

Members questioned the extent to which the Council had provided support to the potential of a community asset transfer to ensure the continued use of the building as a community centre given the lack of other community facilities within Netherfields.

The Board considered the evidence and voted upon its decision.

ORDERED that the decision taken at a meeting of the Executive Sub-Committee for Property held on 19 May 2014 in respect of the future use of Netherfields Community Centre be referred back to the Executive Sub-Committee for Property on the basis that the proposed use of the building raised concerns regarding a future lack of provision of community facilities in Netherfields.