

CABINET

Minutes of a meeting of the Cabinet held in Conference room 1a, County Hall, Ruthin on Tuesday, 14 May 2013 at 10.00 am.

PRESENT

Councillors Hugh Evans, Leader and Lead Member for Economic Development; Bobby Feeley, Lead Member for Social Care, Adult and Children's Services; Hugh Irving, Lead Member for Customers and Communities; Huw Jones, Lead Member for Tourism, Leisure and Youth; Barbara Smith, Lead Member for Modernising and Performance, David Smith, Lead Member for Public Realm, Julian Thompson-Hill, Lead Member for Finance and Assets, and Eryl Williams, Deputy Leader and Lead Member for Education

Observers: Councillors Raymond Bartley, Brian Blakeley, Meirick Lloyd Davies, Richard Davies, Huw Hilditch-Roberts, Martyn Holland, Pat Jones, Gwyneth Kensler, Margaret McCarroll, Dewi Owens, David Simmons, Bill Tasker, Cheryl Williams and Huw Williams

ALSO PRESENT

Chief Executive (MM); Corporate Directors: Economic and Community Ambition (RM), Customers (HW), Modernising and Wellbeing (SE); Head of Legal and Democratic Services (RGW); Head of Customers and Education Support (JW); Programme Manager, Modernising Education (JC); Chief Accountant (RW), and Committee Administrator (KEJ).

Carole Burgess, Director of Lifelong Learning, Diocese of St. Asaph (Anglican); Rita Price, Director of Education and John Kenworthy Catholic Diocese of Wrexham together with Philip Eyton-Jones, Chair of Trustees, St. Brigid's Trust were also in attendance for the item on Faith Based Provision (Agenda No. 5)

WELCOME

The Leader extended a warm welcome to members of the public present to hear the debate on proposals for faith based provision. Representatives from the Diocesan Authorities and St. Brigid's Trust were introduced.

1 APOLOGIES

There were no apologies.

2 DECLARATIONS OF INTEREST

No declaration of personal or prejudicial interest had been raised.

3 URGENT MATTERS

No urgent matters had been raised.

4 MINUTES

The minutes of the Cabinet meeting held on 16 April 2013 were submitted.

RESOLVED that the minutes of the meeting held on 16 April 2013 be approved as a correct record and signed by the Leader.

5 FAITH BASED PROVISION

[Councillor Gwyneth Kensler declared a personal interest in this item.]

Councillor Eryl Williams, Lead Member for Education presented the report informing Cabinet of the findings of the initial informal consultation on the future of faith based provision and seeking approval to commence the next formal stage of public consultation on proposals to close Blessed Edward Jones Catholic High School and St. Brigid's School and open a new joint faith school. A formal response to the proposals from the Diocesan Authorities and St. Brigid's Trust had been tabled at the meeting and representatives had been invited to make a short presentation.

Councillor Williams provided some background to the situation and highlighted the need for a strategic and cohesive approach taking into account Welsh Government policies in order to secure investment and ensure quality provision of education. He referred to the stages within the review process advising that difficult decisions needed to be made to ensure future sustainability and quality education. Councillor Williams responded to concerns raised by St. Brigid's Trust in their formal response advising that a comprehensive budget plan had been prepared to ensure aspirations could be delivered and funds had been set aside to deliver the proposals. He also gave assurances regarding the demand for a new school reporting upon detailed analysis undertaken in that regard and future projections.

The Leader invited representatives present from the Diocesan Authorities and St. Brigid's Trust to give a short presentation.

Carole Burgess, Diocese of St. Asaph expressed her delight to be part of such an exciting prospect and confirmed that the Board and Diocese of St. Asaph remained fully committed as co-promoters to the proposal for a new joint faith secondary school. In welcoming the proposal she also highlighted the success of St. Joseph's School in Wrexham which provided joint Anglican/Catholic provision. Rita Price, Catholic Diocese of Wrexham echoed those sentiments advising that the idea of a shared school had been under discussion for some time. The Diocese of Wrexham, as co-promoter remained fully committed to the proposal for a shared secondary school and its aspirations for faith based education in Denbighshire. She highlighted the commitment to providing a school of the highest standards to enhance aspiration for children and families in the area. John Kenworthy, former Headteacher of St. Joseph's School referred to fundamental similarities to St. Brigid's and he reported upon the success of St. Joseph's transition to a joint faith school. Councillor Julian Thompson-Hill sought assurances from the Diocesan Authorities regarding their commitment following the outcome of the consultation and their financial contribution. Both Carole Burgess and Rita Price confirmed their commitment to formal consultation on the proposals and would be responding as positively as they could to the outcome of the consultation. It was noted that the

financial contribution from the St. Asaph Diocese would be minimal and that the Wrexham Diocese had committed any future collateral gained from selling part of the Rhyl site. Councillor Williams clarified that the proposals were not dependent on any financial contributions and funding had been set aside for that purpose.

Mr Philip Eyton-Jones, St. Brigid's Trust referred to the success of St. Brigid's School in providing all through provision for 3 – 19 and highlighted the parental support for the school as evidenced in the consultation response and their eagerness that the current ethos and framework remained. The Trust considered the proposal premature given that the option appraisal lacked significant detail and therefore the Trust would not be able to promote the proposal in its current form. Particular concerns were raised regarding the absence of firm decisions for the age range and location for the school; implications of the newly revamped Rhyl High School, and the lack of financial certainty and destabilising situation for both pupils and staff. Any financial contribution for future proposals would need to be approved by the Trust and Secretary of State.

The Leader sought assurances regarding educational aspects of the proposals and the Head of Education (HE) highlighted the Council's priority in ensuring all children received the best education possible and performed to the best of their ability. She reported upon key elements of successful education provision recognised by the Welsh Government and ESTYN and both schools had been analysed within that context. Cabinet were advised that both schools achieved good results against key indicators and the HE provided a number of statistics to illustrate performance of both schools at particular stages and in comparison with other schools within the county and within their family groups. However it was important to ensure sustainability moving forward and some deficits in key elements had been identified which would compromise attainment in future particularly in terms of the learning environment and leadership and management.

During the ensuing debate Cabinet members reported upon their visits to the two schools and expressed serious concerns regarding the adequacy of the existing school buildings and facilities which did not provide a learning environment fit for purpose to meet the requirements of the Welsh Government's 21st Century Schools Programme. It was agreed that the future provision of sustainable high quality education should be the overriding consideration. In light of the concerns expressed by St. Brigid's Trust members raised questions regarding the review process and wider implications and sought assurances regarding the robustness of the funding package. Councillor Eryl Williams and officers responded as follows –

- provided assurances that the Council would be in a position to fund the project which was not dependent on financial contributions from partners
- explained it had not been possible to commit to a location for the proposed new school at this stage because the requirements of the school had not been fully developed and was dependent on the outcome of formal consultation
- the review of the two schools was not being undertaken in isolation and due regard was being given to the implications on other schools in the area
- consideration would be given to providing primary provision during the second phase

- the further detail requested by St. Brigid's Trust would be provided following formal consultation during the next stage within the process
- post 16 provision at the new school would be provided predominantly by the existing Rhyl and Prestatyn VI partnership with the new school hosting a small range of courses as part of that partnership delivered by the faith providers
- the Council had the power to propose closure of both schools but could not open a new joint faith school without the agreement of the Diocesan Authorities
- not making a decision on the proposals would lead to further uncertainty and instability for the schools and would put future provision and funding opportunities under threat.

Cabinet considered the age range for the new school and merits of 3 – 18 provision and agreed that further consultation should be undertaken to explore the possibility of providing primary provision on the same site as the joint faith secondary school which should be included as part of the formal resolution together with consultation on the location of the new joint faith school.

At this point the Leader invited other councillors who were not Cabinet members to speak. In response to questions and comments raised by local Rhyl Members, Councillors Joan Butterfield, Margaret McCarroll and Brian Blakeley the following responses were provided –

- the consultation period could be extended if necessary
- local members would be part of the consultation process and the decision would be made by Cabinet as an executive function
- the process of school reviews had been previously scrutinised by the scrutiny committee which was the appropriate forum to examine such issues
- the statutory wording for school closures must be used but it was agreed to reword publications in future to emphasise the positive impact
- reported upon the time constraints and funding criteria during the initial application to the Welsh Government (WG) based upon 11 – 16 provision with changes subject to further consultation and discussion with WG officials
- confirmed work was ongoing with the Catholic Diocese to promote Ysgol Mair, Rhyl with a view to increasing pupil numbers and there were no plans to close that school
- noted members' concerns regarding transport for pupils to the proposed new school advising that it would be an issue for further consideration once the location had been confirmed.

Councillor Ray Bartley highlighted the economic consequences if St. Brigid's School closed and Councillor Gwyneth Kensler also expressed her preference for the school to remain in Denbigh. Councillor Richard Davies stressed the need to identify the location of the new school site as quickly as possible. Members were advised that approximately 62% of pupils from both schools lived in the north of the county and confirmed that the new school would be in the Local Development Plan and subject to formal planning conditions.

Councillor Eryl Williams moved the recommendations contained within the report with an amendment to the wording and arising from debate he also proposed that

consultation take place no later than the summer of 2015 to identify the site where the new joint faith school would be located, and that further consultation be undertaken to explore the possibility of providing primary provision on the same site as the joint faith secondary school. Councillor Julian Thompson-Hill proposed an amendment, seconded by Councillor Hugh Irving that further consultation be undertaken to explore the possibility of providing Roman Catholic primary provision on the same site. Upon being put to the vote the amendment was LOST and the original proposition was CARRIED.

RESOLVED that Cabinet –

- (a) *notes the findings of the consultation;*
- (b) *approves formal consultation for proposals for the closure of Blessed Edward Jones Catholic High School and St. Brigid's School as of 31 August 2014 in order to facilitate the establishment of a new faith school as per the following resolution;*
- (c) *approves formal consultation for the opening of a new school as of the 1st September 2014 in partnership with the Catholic Diocesan and Church in Wales Diocesan Authorities;*
- (d) *agrees that consultation takes place no later than the summer of 2015 to identify the site where the new joint faith school would be located, and*
- (e) *further consultation be undertaken to explore the possibility of providing primary provision on the same site as the joint faith secondary school.*

[JW to action]

At this juncture (11.35 a.m.) Cabinet adjourned for a refreshment break.

6 FINANCE REPORT

Councillor Julian Thompson-Hill presented the report detailing the latest financial position and progress against the agreed budget strategy. He provided a brief summary of the Council's financial position as follows –

- there were no service variances to report at this early stage in the financial year
- £514k (17%) of agreed savings had been achieved to date
- the total net budget for schools was £68.3m – within the non-delegated element responsibility for breakfast club provisions transferred from a specific grant to the council's Revenue Support Grant resulting in additional funding of approximately £150k which would be used to contribute to providing protection for schools adversely affected by the recent funding formula review
- the Housing Revenue Account remained on target, and
- provided details of the Capital Plan including planned expenditure against the Corporate Plan.

Members took the opportunity to raise questions and received the following responses –

- the Welsh Housing Quality Standard should be achieved by the end of 2013/14
- funds from the Housing Revenue Account could only be used in the provision of council housing services
- a full housing stock survey had been completed the previous year and there was a long term rolling programme of investment
- there was an acknowledgment in Environmental Services when agreeing the savings that some pressures also needed to be funded
- savings associated with converting essential car users to casual would be delivered during the current financial year but a pressure had been identified for next year
- in response to concerns raised by Councillor Meirick Davies regarding the impact of the 'bedroom tax' and rehousing of tenants the Leader suggested the matter be referred to the appropriate scrutiny committee for consideration
- explained the rolling £1m allocation to contingency in the Capital Plan
- a detailed explanation of the Corporate Plan including use of resources and funding plans would be submitted to the Corporate Governance Committee and greater detail regarding those elements would be included within future finance reports to Cabinet.

The Chief Executive referred to a Wales Audit Office report into local authority reserves and potential implications for Denbighshire in terms of its strategy to build up reserves to fund the Corporate Plan. It was important that the merits of this strategy informed the debate on appropriate reserve levels. Councillor Thompson-Hill added that a distinction should be made between non-specific reserves and provisions set aside for a specific purpose.

RESOLVED that the latest financial position and progress against the agreed budget strategy be noted.

7 CABINET FORWARD WORK PROGRAMME

Councillor Hugh Evans presented the Cabinet Forward Work Programme for consideration. Members asked that consideration be given to rescheduling some items on the work programme for June in view of the amount of business to be transacted and if necessary preparations be made for an all-day meeting. It was agreed to remove the Review of LDP Steering Group from that agenda and to include it in the LDP report to Council instead. It was also agreed to include Faith Based Provision as an item on the work programme for 24 September.

RESOLVED that Cabinet's Forward Work Programme be noted.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 14 and 15 of Part 4 of Schedule 12A of the Local Government Act 1972.

8 TRANSFORMING TRANSPORT - REGIONAL PASSENGER TRANSPORT COLLABORATION PROJECT

Councillor David Smith, Lead Member for Public Realm presented the confidential report seeking Cabinet's agreement to the development of a Full Business Case for the phased implementation of a single integrated unit for the delivery of passenger transport services in North Wales.

Members were advised that work had been underway for some time at regional level on the options for combining Passenger Transport services across the North Wales councils. Details of the project scope; options appraisal and timescale had been included within the report and specific reference was made to the recommended option and reasons therefore. Councillor Smith added that Partnerships Scrutiny Committee had considered the Outline Business Case and recommended option and had been content to see proposals proceed to the next stage of investigation and to receive regular progress reports on the development of the Full Business Case.

Whilst discussing the report assurances were sought regarding funding and governance arrangements and members were advised that those elements would be full explored as the Full Business Case developed. Details were provided of the cuts in bus funding grants together with proposed changes to the bus funding system which had been a factor in the selection of the preferred option. In terms of accountability and local responsiveness the Chief Executive referred to the model adopted for regional collaboration citing the Joint Committee as the forum at which Denbighshire would exert its influence.

RESOLVED that Cabinet –

- (a) *notes the Outline Business Case, accepts the preferred option and agrees that the project now moves to develop a Full Business Case for the phased implementation of a single integrated unit for the delivery of passenger transport services in North Wales, and*
- (b) *notes that any decision to implement an integrated unit would only be taken after Councils had considered and approved the Full Business Case, and that future governance arrangements would be addressed during development of the Full Business Case.*

[RM to action]

The meeting concluded at 12.35 p.m.