

COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Communities Scrutiny Committee held in Council Chamber, County Hall, Ruthin on Thursday, 23 January 2014 at 9.30 am.

PRESENT

Councillors Carys Guy, Huw Hilditch-Roberts (Chair), Rhys Hughes, Win Mullen-James, Bob Murray, Joe Welch, Cefyn Williams and Huw Williams.

Observers: Councillors Raymond Bartley, Ann Davies, Bobby Feeley, Martyn Holland, Hugh Carson Irving, Dewi Owens, Merfyn Parry and Eryl Williams.

ALSO PRESENT

Corporate Director: Economic & Community Ambition (RM), Corporate Director: Customers (HW), Head of Legal and Democratic Services (GW), Head of Customers and Education Support (JW), Programme Manager (JC), Head of Education (KIE), Economic & Business Development Manager (TB), Coastal Team Leader (MD), Community Engagement Manager (DD), Graduate Project Officer (HJ), Democratic Services Officer (KAE), Scrutiny Co-ordinator (RE), and Committee Administrator (SLW)

Co-optee Members present: Debra Houghton, Dr Dawn Marjoram and Gareth Williams.

1 APOLOGIES

Apologies for absence were received from Councillors James Davies, Peter Evans, and Cheryl Williams

Apologies for absence were also received from Co-opted Members Nicola Lewis and Gill Greenland.

2 DECLARATION OF INTERESTS

Councillor Huw Hilditch-Roberts and Co-opted Member, Gareth Williams, declared a personal interest in Agenda Item 3 – Call in of proposed closure of Ysgol Llanbedr Dyffryn Clwyd.

3 URGENT MATTERS AS AGREED BY THE CHAIR

The Chair advised that a decision taken by Cabinet at its meeting on 14 January 2014 to approve the publication of a statutory notice to close Ysgol Llanbedr Dyffryn Clwyd had had been called in for review. Consequently, in order to comply with the Council's Call-In Procedure Rules which stipulated that a scrutiny committee had to consider a called-in decision within five working days, he had agreed to consider the matter as an urgent item of business on the current meeting's agenda. All Committee members including co-opted members had been furnished with copies of the report and appendices considered by Cabinet at its meeting on 14 January.

Call-in of Proposed Closure of Ysgol Llanbedr Dyffryn Clwyd.

Denbighshire's Cabinet at its meeting on 14 January 2014 approved the following recommendation:

"... [to] approve the publication of a statutory notice on the proposal to close Ysgol Llanbedr as of the 31 August 2014, with existing pupils transferring to Ysgol Borthyn, Ruthin, subject to parental preference."

The above decision was published on the Council's website on 17 January 2014 and in accordance with the Council's Call-In Procedure, the decision was not implemented immediately enabling non-Cabinet members to call-in the decision for examination, if they felt it merited scrutiny.

A "Notice of Call-In" form, signed by the required number of non-Cabinet Councillors, was received on 20 January 2014.

The grounds for the calling-in decision were:

- (i) Failure to consult; and
- (ii) Prejudgement of decision to close Ysgol Llanbedr D C

Communities Scrutiny Committee Members were requested to determine, based on the information presented to them, whether the Committee believed that Cabinet should review its original decision, and if so, on what grounds.

As Cabinet's decision of 14 January related to the Council's education provision, the Authority's statutory education co-opted Members on Scrutiny were permitted to participate fully in the consideration of the Call-In as voting Members of the Committee.

Councillor Huw Williams introduced the call-in request. He also introduced the Governing Body and Diocesan representatives who would be presenting their case, seeking a review of the decision to publish a statutory notice of the intention to close the school. Councillor Williams gave a brief history of Ysgol Llanbedr D C.

Reverend Chew attended the meeting to present evidence as Rector of Llanbedr D C and in his capacity as the Chair of the Governing Body of Ysgol Llanbedr D C.

Anthony Smith attended the meeting as Vice-Chair of the Governing Body of Ysgol Llanbedr D C.

Rosalind Williams attended the meeting as a Diocese representative.

Reverend Chew began the debate in favour of Ysgol Llanbedr D C remaining open as follows:

- (i) He was of the understanding that the main aim was to reduce surplus places. The school was on target to be at full capacity over the next two

years. Parental choice would be severely compromised if the closure of the school was to go ahead.

- (ii) Key stakeholders had not been considered, such as Munchkins nursery
- (iii) The decision to close Ysgol Llanbedr D C was pre-determined which was against the Welsh Government's Code of Practice.

Anthony Smith raised the following points:

- (i) Omissions within the report and document which had been presented to Cabinet Members.
- (ii) Failure to have adequate consultation. The formal consultation which had been carried out had failed to consider birth forecasts, projected increases in house builds as per those proposed in the Local Development Plan (LDP) for Llanbedr D C etc.
- (iii) Failure to consult with Munchkins Day Nursery.
- (iv) Consultation was further flawed as the Governors were informed the Diocese did not need to be consulted. This was predetermination.
- (v) Failure to comply with the Welsh Government Policy relating to faith education
- (vi) Evidence of pre-determination on the part of the Local Authority to close the school
- (vii) A failure to undertake a Community Impact Assessment to measure the potential impact of the proposal on the local community
- (viii) No reference had been made at any point in the formal consultation that the closure of the school would assist the Local Authority to attract funding to invest in other schools

Rosalind Williams raised the following points:

- (i) The Diocese had offered in March 2013 to work with the Council, but no response was received. Officials from both the Council and Diocese met in June, when again the Diocese offered to work with the Council. The Diocese was informed that consultation had taken place. In September 2013 Rosalind Williams had e-mailed the Modernising Education Team to offer to work on alternative models but no response to the email had been received.
- (ii) The Equality Impact Assessment had not been produced until the conclusion of the formal consultation.
- (iii) A new Code came into effect in September 2013 and the Local Authority were not working to the Code.
- (iv) No other options of amalgamation or federation had been considered.

The officers in attendance responded to the points raised as follows:

- (i) They emphasised that officers were not the decision makers. Reports containing full information were put forward to Members to make the decisions.
- (ii) The Council had approved the Modernising Education Policy Framework in 2009, and under that Policy the Council had undertaken to review all primary schools with fewer than 80 pupils. It had not however approved a closure policy for all schools with under 80 pupils, but to initially undertake a review

- of those schools having regard to alternative suitable education provision in the nearby area.
- (iii) Regarding capacity and numbers of pupils at the school, there were 21 pupils attending at present with an additional 7 pupils likely to attend next school year.
 - (iv) Munchkins was a private nursery located at the school. A copy of the formal consultation was sent to Munchkins. It was not sent to all parents of children attending Munchkins as the Local Authority did not have that information as was a private nursery.
 - (v) Regarding the Code. The new Code which came into effect in October 2013 contained rulings on procedures which must or could be carried out. The Local Authority had carried out all the procedures which required to be done. Consultation with people and children of statutory school age must be carried out and this had been done.
 - (vi) In the Code, it stated the Local Authority could informally consult, but had to undertake a statutory consultation. The Council had carried out both an informal consultation (which was not a “must” under the Code). It had introduced a pre-consultation state, which was good practice. It had also undertaken the statutory consultation as per the Code. All folders of information were made available to Cabinet Members, this was the informal stage. Every single response had been collated and published on the website and permission had to be obtained to put that information on to the public website. If anyone refused then the details would not be published on the website but copies were sent to Cabinet Members. Information had been made available as good practice. The Local Authority had adhered to the Code.
 - (vii) The Welsh Government had a Faith Education Policy in place. The Local Authority had to have regard to this Policy and consider faith education but it is was not a statutory obligation. The Local Authority had demonstrated its support of faith education as within the proposal to close Ysgol Llanbedr there was an option, subject to parental preference, for the pupils to transfer to Ysgol Borthyn, an English medium faith based education school within 2.3 miles and which therefore provided alternative suitable educational provision.
 - (viii) Within the south of the county there were surplus places. The overall strategy required to reduce the number of surplus places across the county with a view to increasing the capacity in the north of the county.
 - (ix) The Local Authority would consider a number of factors before it proposed to close a school. It would look at current and projected numbers of pupils, educational standards and provision and the condition of school buildings. If an individual school was deemed to be unsustainable, the Local Authority would investigate amalgamation, federation and then closure. Closure would not automatically be presumed as there was a process to follow
 - (x) A Community Impact Assessment had been undertaken and published as part of the informal consultation process. However, the Equality Impact Assessment could not be produced until the conclusion of the statutory consultation period.
 - (xi) Educational standards at Ysgol Llanbedr D C had not been a contributory factor towards the proposal to close the school. Educational standards at both Ysgol Llanbedr and Ysgol Borthyn were on a par, both schools were in the top quartile for educational achievement standards. Therefore, in line with the

statutory School Organisation Code, the County was offering alternative educational provision with at least equal outcomes

The Head of Legal and Democratic Services clarified to the Committee that if the decision was to be referred back to Cabinet, the reasons for the decision to do so would need to be put forward. Cabinet would be required to have regard to the recommendations of the Committee and then to take a decision on whether to confirm its original decision or to form a new decision.

In response to Committee members' questions officers confirmed that:

- Ysgol Borthyn had sufficient capacity to accommodate pupils from Ysgol Llanbedr D C
- At present only 7 children from Llanbedr D C attend the village school
- Only a minority of Ysgol Llanbedr D C parents who had responded to a questionnaire had indicated that they would choose Ysgol Borthyn as an alternative school for their child. It was acknowledged that parents tend to be reluctant to choose alternative provision until an actual decision to close has been taken
- Projected future birth rates and the impact of possible new housing developments in Llanbedr D C had been factored into the Council's calculations when reviewing the school's sustainability
- Federating the school with another school had to be done on a mutual basis with a willing partner. This option had been considered but would not realise any of the objectives. It would not release the building, nor realise sufficient revenue savings or address the surplus places situation. At present there was 24% surplus place in the primary sector in the Ruthin area, this would have to be reduced to enable the Council to secure Welsh Government funding to invest in schools
- The Diocese was one of the consultees in this matter. The report to Cabinet was deferred for a month in order to properly consult with the Diocese and give them the required 28 days to respond. A response was received. However, the Council and the Diocese could not agree on the proposal and it was agreed to disagree. This fact was reported to Cabinet
- Special educational needs' educational should continue as per the child's most recent statement and transport requirements would be assessed per individual child's specific needs
- The projected pupil numbers for Ysgol Borthyn for the foreseeable future
- They were confident that all required procedures had been rigidly followed
- The aim of the Modernising Education Programme was to secure better school buildings and consequently better outcomes for all of the County's pupils

Both parties were given the opportunity to sum up their debate before the Chair emphasised to Committee Members that what they were being asked to decide upon was whether the due and correct consultation process had been followed to enable Cabinet to come to its decision.

Councillor H O Williams proposed that the Committee ask Cabinet to review its decision of 14 January 2014 with respect to proceeding with the publication of a

statutory notice to close Ysgol Llanbedr D C on the basis of a lack of consultation on funding and financial matters, and on the grounds of insufficient consultation with the Diocesan authorities. Councillor J Welch seconded the proposal. On being put to the vote an equal number of votes were cast for and against the proposal. The Chair then exercised his casting vote against the proposal. Consequently the Committee:

Resolved: - *that having considered the information presented to it, the decision taken by Cabinet on 14th January 2014 to "approve the publication of a statutory notice on the proposal to close Ysgol Llanbedr as of 31 August 2014, with existing pupils transferring to Ysgol Borthyn, Ruthin subject to parental preference" did not merit being referred back to Cabinet for review.'*

4 MINUTES

The Minutes of the Communities Scrutiny Committee held on 25 November, 2013 were submitted.

RESOLVED *that the Minutes of the Meeting held on 25 November 2013 be received and approved as a correct record.*

At this juncture there was a 10 minute break (11.45 a.m.)

The meeting reconvened at 11.55 a.m. and with the Committee's consent the Chair varied the order of business

5 TOWN AND AREA PLANS (QUARTERLY REPORT)

The Economic and Business Development Manager introduced the Town & Area Plans report (previously circulated) to monitor the Council's performance in delivering its Town Plans and their benefit to the towns themselves and outlying communities.

All Town & Area Plans (apart from Bodelwyddan) would be adopted by the end of the financial year.

The Chief Executive had requested a full review of the town plans to review the impact how it measured against cost resource. The review would take place early in the financial year.

All allocations had been agreed by Cabinet. There had currently been an additional funding allocation of £356,000 towards town & area plans in 2014/15 for which a bid could be submitted.

The approach had been consistent across each rural area. Funding which had been allocated from the town & area budget was a year 1 priority. The plans were a multi-year scheme, not just a one year plan.

Another source of funding was external grant funding. Town and Community Councils were putting a lot of effort into exploring alternative funding streams for projects. There was also a possibility of match funding.

Councillor Bobby Feeley requested it be recorded that the "Open Doors" weekend in Ruthin should be continued as it attracted a large amount of visitors into the town.

RESOLVED that the Communities Scrutiny Committee note the progress made with the delivery of Town and Area Plans.

6 RHYL GOING FORWARD PROGRAMME (QUARTERLY REPORT)

The Coastal Team Leader introduced the Rhyl Going Forward Quarterly Report (previously circulated) to enable Communities Scrutiny Committee to evaluate and monitor the Programme's progress and achievements in delivering its anticipated outcomes, and to identify any slippage with the programme's delivery.

It was confirmed that the Harbour Master Office on completion would also house a café and other business within the building.

The state of disrepair of the boarding around the old funfair site was raised. The Economic and Business Development Manager (E&BDM) had been in contact with the owners of the land, Scarborough Developments. They had assured the E&BDM that a representative of the Company would visit the site on Monday 27 January. E&BDM had contacted the Head of Planning and Public Protection who confirmed enforcement action could be taken. If there were no improvement of the state of the boarding by the end of the following week, notice would be served upon Scarborough Developments and a timescale given. If the work were not carried out by the specific date then Denbighshire would carry out the work and a charge would be placed upon the land.

Officers confirmed that Welsh Government funding for events in the Events Arena had come to an end, but work was underway under the Town Plan to explore possible alternative funding streams.

It was agreed by all Committee Members present that their thanks be recorded and passed on to the E&BDM and the Coastal Team Leader for the tremendous work they were carrying out.

RESOLVED that Members of the Communities Scrutiny Committee noted the progress made.

7 COMMUNITY COVENANT WITH THE ARMED FORCES (NOV/ DEC 2013)

The Lead Member for Communities introduced the Community Covenant with the Armed Forces Report (previously circulated) for Members to consider an annual update on how the measures introduced under the covenant have supported the armed forces community in Denbighshire and for the Committee to consider if any changes to the provision are required with a view to strengthening the covenant.

A Community Covenant is a voluntary statement of mutual support between a civilian community and its local armed forces community. It was intended to complement the National Armed Forces Covenant which outlined the moral obligation between the Nation, the Government and the Armed Forces, at a local level.

Full Council formally adopted the Covenant on the 11 September 2012 and requested Scrutiny to satisfy itself on the measures Denbighshire wished to adopt.

The Council agreed to nominate an "Armed Services Champion" (Lead Member for Communities, Councillor Hugh Irving) and a named "Armed Services Lead Officer" (Community Engagement Manager).

A workshop had taken place with representatives from key armed services charities and public sector organisations to advance understanding of the issues facing armed service personnel and veterans. The role of the working group was to co-ordinate actions, identify gaps in provision and exchange information and good practice.

A key action identified by the Covenant had been the need to establish a dedicated information page on the Denbighshire County Council website with links to organisations who could give advice and support on issues ranging from welfare concerns to career advice.

The Army had approached Denbighshire County Council with a project in conjunction with Bodelwyddan Castle Trust to develop a visitor/educational experience at the Castle comprising of a new comprehensive WW1 trench system as part of the WW1 Centenary.

An application to seek funding from the Ministry of Defence Community Fund was successful and a grant of £225,000 was approved. The work was anticipated to be completed by the spring and the project will be for five years. At the end of the five years, the trenches would become the responsibility of the Castle Trust. Schoolchildren would be encouraged to visit the trenches and an educational programme was being developed for this purpose across North Wales and Cheshire.

The role of the Council would be to monitor the financial aspect of the project and release funds accordingly.

There was evidence that a number of armed forces personnel who leave the armed forces suffered financial and psychological problems. Denbighshire was working with partner groups to assist these people to be integrated into the community.

Councillor Cefyn Williams felt that, from an equalities perspective, armed services personnel should not get priority over local people for housing unless they had a local connection.

In response to members' questions the Community Engagement Manager advised:

- Royal British Legion personnel had visited the Authority to train Customer Services and Social Services staff on army personnel's specific needs
- A piece of work was about to be undertaken to map out key issues affecting service personnel and those organisations that could help them. The Graduate Project Officer gave a brief outline of her role in this mapping work.
- That he would enquire on whether any funding was available to enable relatives of World War 1 victims and relatives of personnel killed in other conflicts to visit their graves in Europe and elsewhere
- That the Working Group was in the process of drawing up a cohesive action plan which would assist organisations to help each other and help service personnel

RESOLVED that the Communities Scrutiny Committee endorse the actions taken.

8 SCRUTINY WORK PROGRAMME

A report by the Scrutiny Co-ordinator was submitted (previously circulated) seeking Members' review of the Committee's Forward Work Programme and providing an update on relevant issues.

Members agreed to the request a report on the Highway Grass Verge Cutting Policy and Programme for 2014/15 in April

RESOLVED that subject to the above:

- (a) the Committee's Forward Work Programme be approved; and
- (b) that Councillor Huw Hilditch-Roberts serve as the Committee's representative on the Economic and Community Ambition Programme Board

9 FEEDBACK FROM COMMITTEE REPRESENTATIVES

Councillors Huw Hilditch-Roberts, Joe Welch and Cefyn Williams gave brief feedback from meetings of the Economic and Community Ambition Board; HR, Leisure, Communications and Marketing & Highways and Environmental Services Challenge Groups.

The meeting concluded at 1.20 p.m.