

## **CABINET**

Minutes of a meeting of the Cabinet held in Conference Room 1a, County Hall, Ruthin on Tuesday, 27 October 2015 at 10.00 am.

### **PRESENT**

Councillors Hugh Evans, Leader and Lead Member for the Economy; Bobby Feeley, Lead Member for Social Care, Adult and Children's Services; Hugh Irving, Lead Member for Customers and Libraries; Huw Jones, Lead Member for Community Development; Barbara Smith, Lead Member for Modernisation and Housing; David Smith, Lead Member for Public Realm; Julian Thompson-Hill, Lead Member for Finance, Corporate Plan and Performance and Eryl Williams, Deputy Leader and Lead Member for Education

**Observers:** Councillors Ray Bartley, Huw Hilditch-Roberts, Merfyn Parry, Arwel Roberts and Huw Williams

### **ALSO PRESENT**

Chief Executive (MM); Corporate Directors: Economy and Public Realm (RM) and Communities (NS); Heads of Service: Legal, HR and Democratic Services (GW), Customers and Education Support (JW), Education (KE), Planning and Public Protection; Programme Manager (JC); Development Planning and Policy Manager (AL); Planning Policy Officer (KB); Chief Finance Officer (RW), and Committee Administrator (KEJ)

#### **1 APOLOGIES**

There were no apologies.

#### **2 DECLARATION OF INTERESTS**

The following members declared a personal interest in agenda item 5 –

Councillor Huw Hilditch-Roberts – Governor Ysgol Pen Barras and child attending Ysgol Pentrecelyn in January 2016

Councillor Huw Williams – Son in Ysgol Pen Barras

The following members declared a personal interest in agenda items 5 & 6 –

Councillor Bobby Feeley – Governor Rhos Street School

Councillor Merfyn Parry – Governor Ysgol Bryn Clwyd & Ysgol Gellifor

Councillor David Smith – Grandchild in Ysgol Pen Barras

#### **3 URGENT MATTERS**

No urgent matters had been raised.

#### **4 MINUTES**

The minutes of the Cabinet meeting held on 29 September 2015 were submitted.

***RESOLVED** that the minutes of the meeting held on 29 September 2015 be approved as a correct record and signed by the Leader.*

**5 PROPOSAL TO CLOSE YSGOL LLANFAIR DC AND YSGOL PENTRECELYN AS OF THE 31 AUGUST 2017 AND FOR THE DIOCESE OF ST. ASAPH TO OPEN A NEW DUAL-STREAM CATEGORY 2, CHURCH IN WALES VOLUNTARY CONTROLLED PRIMARY SCHOOL FROM 1 SEPTEMBER 2017**

Councillor Eryl Williams presented the report detailing the objections received following publication of the statutory notice of the proposal together with the proposed modification to delay the implementation date by twelve months from 2016 to 2017. He referred to the report recommendations and added a recommendation to reflect the Council's commitment, as set out in paragraph 5.2 of the report, to continually monitor standards and outcomes.

The proposal had been made in the context of the wider Ruthin area review. Both school communities had been supportive of the investment in a new area school and the designation of a Church in Wales school had not proved divisive. The main contention had been on the grounds of language categorisation with 30 objections received from the local community relating to the proposed Category 2 designation.

Cabinet considered the objections detailed within the report together with the arguments for the proposal and factors detailed in the School Organisation Code. Cabinet debate focused on the following issues –

- it was accepted that the overall majority of pupils attending both schools were taught through the Welsh medium. A dual stream school would allow Welsh medium provision to be maintained for pupils from both schools but would also allow non-Welsh speakers access to Welsh medium provision by starting in the English stream and subsequently transferring to the Welsh stream. In 2015 Ysgol Llanfair educated 80 pupils through Welsh medium and 23 through English medium. Of those 80 pupils, 14 (13%) had transferred from English to Welsh medium and designating the school Category 2 would help to increase the number of Welsh learners and pupils leaving school fluent in both languages
- reference was made to the additional investment required in order to develop and progress Welsh language in a Category 2 school and whether it would be sustainable long term given the financial situation – officers advised that there were currently 23% surplus places in the Ruthin area and if all the proposals arising from the review were implemented surplus places would reduce to 9%, thereby enabling a redistribution of resources to meet the needs of schools
- the importance of retaining the current Welsh ethos and culture was emphasised and assurances sought in that regard should the proposal be implemented. Cabinet was advised of a collective responsibility involving the Governing Body, GwE (School Improvement Service) and the Council. The Governing Body would be fundamental in ensuring the strong Welsh ethos was maintained in the new school which could also be reflected in their management and recruitment policies. The role of the Council and its commitment to monitoring standards and outcomes via the School Standards Monitoring Group,

Scrutiny Committees and Welsh in Education Strategic Group was explained which would further safeguard the Welsh ethos and maintain continuity

- Councillor Huw Jones, Lead Member for Welsh Language reported on progress made to increase the number of Welsh learners in the county, highlighting the increase in the number of Welsh speaking children in the county's schools since 2011. He was pleased to note the language categorisations had been clearly explained within the report together with comparable data regarding the fluency of pupils at the two schools
- it was clarified that applications for discretionary transport to the nearest Category 1 school would be considered from both existing pupils and siblings of Ysgol Pentrecelyn if the school closed.

The Leader reported that he had met with campaigners from Ysgol Pentrecelyn to hear their concerns first-hand. Campaigners were supportive of a new Church in Wales school but strongly opposed a Category 2 designation. He sought responses to a number of issues raised by objectors including whether enough consideration had been given to Ysgol Pentrecelyn pupils, the fact no meeting had taken place between parents of both schools, concerns regarding language spoken in the school yard and impact on culture. Officers responded as follows –

- proposals had to be considered in the wider context of the Ruthin area review in order to provide an appropriate mix of provision to best cater for the needs of pupils in the area going forward – based on existing attendance figures there was insufficient demand for a Category 1 school but both Category 1 and 2 schools delivered Welsh medium education with the same outcomes in the Welsh stream
- it was within the remit and responsibility of the Governing Bodies to arrange a meeting between parents of both schools
- during school visits English could be heard spoken in the school yard of Category 1 schools and Welsh in Category 2 schools – whilst the language spoken in school yards could not be stipulated, Welsh could be encouraged and promoted by the Governing Body
- Estyn had been consulted regarding the Ruthin area review proposals and their response had been included within the report.

Councillor Arwel Roberts implored Cabinet to opt for a Category 1 new area school in order to protect and strengthen Welsh language in the area. He referred to positive strategies to move schools along the language continuum and argued it would be contrary to those policies and a retrograde step to opt for Category 2 in this case, particularly in a rural area where Welsh language was at its strongest. He referred to the wealth of objections received and argued that a Category 2 school would not guarantee Welsh medium education for the future and Ysgol Pen Barras would not be able to accommodate all pupils wishing to transfer.

The following responses were provided to the issues raised –

- the model at Ysgol Llanfair was highlighted as best practice and the school attracted pupils from both Welsh and non-Welsh speaking families thereby increasing the number of Welsh learners/speakers – it was believed a new

Category 2 area school would enhance and grow the Welsh language provision, with more pupils from the area accessing Welsh medium education

- credit was also given to the consistently high attainment levels achieved at Ysgol Llanfair with over 90% achieving Level 4+ at Key Stage 2 in 2014
- it was acknowledged that a change in leadership would always provide a risk and the Governing Body would play a vital role in ensuring the current strong Welsh ethos was retained
- the arguments for and against the language categorisation had been carefully considered prior to making the recommendation and the desire to grow the number of Welsh learners/speakers had been an important factor
- reported upon the role of the Welsh in Education Strategic Group in providing support to schools to move along the language continuum and it was hoped that the model used by Ysgol Llanfair could be replicated in other schools.

Councillor Huw Hilditch-Roberts sought assurances regarding standards and outcomes together with safeguards to secure future Welsh medium provision, and he pointed out that Welsh was spoken in the school yard at Ysgol Pen Barras (Category 1) who also taught pupils from non-Welsh speaking families. He also highlighted potential pressures for Ysgol Llanfair arising from Ysgol Rhewl's closure.

The following responses were provided to those comments and further questions –

- it was recognised that in recent years very few pupils had been assessed through the Welsh medium stream in terms of outcomes at Ysgol Rhewl and assurances were provided that the review and monitoring of standards and language categorisations in schools had recently been made much more robust
- it was confirmed that pupils from Ysgol Rhewl could apply for places at the proposed new school should they wish to remain in a Category 2 school and their applications would be considered as per admissions policy
- the model used by Ysgol Llanfair was considered best practice in terms of inclusivity and outcomes with a high percentage of pupils in both Welsh and English streams reaching the expected standard and beyond
- the costs of providing school transport for pupils and siblings wishing to transfer from Ysgol Pentrecelyn to a Category 1 school were minimal and would be for the transitional period only
- the proposal aimed to secure the long term sustainability of Welsh medium provision in the area
- the threat of judicial review was not a material consideration when making a determination on the proposal.

The Leader acknowledged the difficult situation with two strong opposing views and stressed the overriding consideration to ensure the best education, cultural and language provision going forward. He referred to the significant investment in education and was confident that the necessary safeguards were in place to protect and enhance educational, cultural and language provision in the area. If the proposal was approved he hoped both communities would work together for the benefit of the new area school.

Councillor Eryl Williams moved the report recommendations together with the additional recommendation detailed in paragraph 5.2 of the report. Having considered all the evidence presented Cabinet was satisfied that the proposal represented the best option for the delivery of education in the area for the future.

**RESOLVED** that Cabinet –

- (a) *note the findings of the objection report;*
- (b) *following consideration of the above, Cabinet approve implementation of the proposal and the proposed modification to close Ysgol Llanfair DC and Ysgol Pentrecelyn on 31 August 2017 and the Diocese of St. Asaph to open a new dual-stream Category 2, Church in Wales Voluntary Controlled primary school from 1 September 2017;*
- (c) *that applications for discretionary transport to the nearest category 1 school, be considered on a case by case basis, from existing pupils and siblings of Ysgol Pentrecelyn for the remainder of their primary education following the closure of the school (as of the 1 September 2017), and*
- (d) *the Local Authority are committed to monitoring the standards and outcomes of the new Area School which will be reviewed regularly at School Standards Monitoring Group, Scrutiny and by the Welsh in Education Strategic Group.*

At this juncture (11.10 a.m.) the meeting adjourned for a refreshment break.

## **6 PROPOSED CLOSURE OF YSGOL LLANBEDR DC**

Councillor Eryl Williams presented the report detailing findings of the formal consultation on the proposal to close Ysgol Llanbedr DC as of 31 August 2016 with existing pupils transferring to Ysgol Borthyn, Ruthin subject to parental preference, and sought Cabinet approval to publish a statutory notice on the proposal.

The proposal had been made as part of the wider Ruthin area review and whilst some background information had previously been provided Cabinet was required to consider the consultation responses afresh. The case for change had been set out in the report based on the Council's objectives to reduce surplus places, achieve a fairer and more equitable distribution of school funding and provide greater efficiency and effectiveness of the school estate. The consultation responses included an alternative option put forward by the Diocese of St. Asaph to federate Ysgol Llanbedr DC with Ysgol Trefnant VA and change the legal status from Voluntary Controlled to Voluntary Aided. Cabinet was asked to consider the viability of the federation option before determining whether to approve the statutory notice for closure.

Cabinet considered the case for federation and questioned whether it would meet the Council's objectives to tackle surplus places in the Ruthin area, provide better educational outcomes, decrease the cost per pupil and provide a sustainable school for the future. Benefits and risks were also considered together with

implications for the proposed federation partners. During debate Cabinet noted that –

- federation would involve both schools remaining and sharing a Governing Body – it would not address the issue of surplus places
- no savings would be made in terms of cost per pupil as a result of federation and for future sustainability there was a need to reduce both revenue and capital costs
- educational outcomes in the Ruthin area were generally good with schools expected to maintain or improve outcomes – a judgement could not be made at this time as to whether federation would produce better outcomes
- both the Diocese Authority and Governing Body were passionate about keeping Ysgol Llanbedr open and had made a case for federation as an alternative option to closure – however there could be potential risks for the federation partner, which was currently a sustainable school in its own right
- the benefits of the federation option had been set out by the Governing Bodies within the report and included best practice and learning experiences – many of those benefits could be realised by schools working more collaboratively and were not by themselves a strong case for federation
- no detail of the federation model had been provided at this stage and whilst a 10 mile distance between the schools was significant, the proposal stated that pupils would not be transferred between sites, only teachers, and questions were raised over the practicalities of such an arrangement with no economies of scale realised
- some financial responsibility would be removed from the Council arising from a change in legal status to Voluntary Aided which related to the premises allocation for maintenance.

Councillor Huw Williams responded to the debate on federation and advised that –

- no consultation had been carried out at this stage and it was difficult to answer particular questions until the proposal had been properly consulted upon
- immediate savings included £26k from not having to transport transferred pupils to Ysgol Borthyn and £12k on staffing and there were no budget deficits in either school
- there were successful federations in the Wrexham area between schools further than 10 miles apart, and
- Ysgol Llanbedr's pupil numbers and projections continued to increase.

Councillor Huw Williams also raised questions regarding the increase in savings put forward as a result of the school closure; whether Cabinet had been privy to the full evidence submitted by the Diocese Authority, and sought the views of Councillor Eryl Williams, as Lead Member for Education, on the Hill report. In response officers –

- explained that the difference in the savings calculation from £68k to £126k was due to changes made via the Schools Budget Forum in terms of non-pupil led funding – no savings would be made by the local authority from federation

- advised that if Cabinet was minded to pursue a federation option it would need to be taken forward by the Governing Bodies, and
- provided assurances that all documentation submitted had been made available to Cabinet members.
- Councillor Eryl Williams responded that many of the Hill report's recommendations had not been taken forward and were a matter for Welsh Government together with subsequent reviews such as the Donaldson report.

Cabinet discussed the report and other consultation findings and questioned whether the proposal would deliver the Council's objectives in terms of surplus places, educational outcomes and sustainability. Officers confirmed the issue of surplus places would not be addressed by retaining the school. The number of pupils in Ysgol Llanbedr had increased but the school was still considered unsustainable given that there was alternative suitable capacity in the area – an increase in pupils in Ysgol Llanbedr may also give rise to surplus capacity in other schools. Capital and revenue savings would also be made if the proposal was implemented by providing greater efficiency and effectiveness of the school estate.

Councillor Huw Williams raised questions regarding surplus places and the capacity/suitability of Ysgol Borthyn to accommodate additional pupils. Councillor Huw Hilditch-Roberts highlighted the changes to the original Ruthin area review proposals and sought assurances that each school had appropriate capacity to meet local needs. Officers responded to the issues raised as follows –

- assurances were provided regarding the capacity of Ysgol Borthyn to accommodate relocated pupils and the fire risk assessment had been included in the Capital Plan for completion by the end of March 2015. The road assessment and traffic risk assessment were satisfactory
- if all the Ruthin area review proposals were implemented surplus places would reduce from 23% to 9% – calculations for school places had been made with regard to the mix of schools and provision in the area and information available. Whilst there were no absolute guarantees, recent figures had been predicated with a high level of accuracy. Capacity was managed further by the authority through the schools admission process.

Councillor Huw Williams highlighted the need for a solution to satisfy the local community with 539 respondents in support of the school compared to 6 for closure. He added that Ysgol Llanbedr had the full support of the community and would have a future if it was allowed to prosper via federation.

The Chief Executive highlighted the difficult but necessary decisions to be made in order to tackle surplus places, invest in modernising education and ensure sustainable schools for the future. He believed that federation was a solution in particular scenarios but not so in this case. The Head of Legal, HR and Democratic Services highlighted the requirements of the School Organisation Code and the consideration that Cabinet should give to the consultation responses. He reminded Cabinet that the proposal under consideration was the proposal to close the school and that the issue of federation had been raised as part of the consultation on that proposal. Cabinet members should decide, after taking into account all that they had heard and read in response to the consultation, whether or not to publish a

statutory notice in respect of the proposal to close the school. If Cabinet members were persuaded that the federation option put forward during the consultation should be pursued then they would need to vote against the recommendation and commence a new consultation exercise in respect of a proposal to federate.

Having carefully reviewed the report and consultation responses received it was –

**RESOLVED** that Cabinet approve the publication of a statutory notice on the proposal to close Ysgol Llanbedr DC as of 31 August 2016 with existing pupils transferring to Ysgol Borthyn, Ruthin subject to parental preference.

At this juncture (12.30 p.m.) the meeting adjourned for a refreshment break.

## **7 DRAFT LOCAL DEVELOPMENT PLAN ANNUAL MONITORING REPORT 2015: LACK OF A 5-YEAR SUPPLY OF READILY DEVELOPABLE HOUSING LAND**

Councillor David Smith, Lead Member for Public Realm presented the first draft LDP Annual Monitoring Report (AMR) and detailed his concerns regarding the impact of the Welsh Government's prescribed calculation method on 5-year housing land supply which was a principal performance indicator for the LDP.

Councillor Smith explained that the prescribed residual calculation method put local authorities at a disadvantage and in Denbighshire's case the county had been left with 2.10 years supply of housing land compared to nearly 10 years supply based on five year past completions. He also highlighted the potential for planning appeals if the current calculation method remained. Consequently he proposed that representations be made to the Welsh Government outlining those concerns.

Cabinet members shared those concerns and queried the position of other local authorities. Officers confirmed that local authorities without an LDP did not have to submit an AMR but would be deemed to have no housing land availability. Local authorities with adopted LDPs were in a similar position to Denbighshire with only two authorities meeting the 5-year requirement under the current prescribed method. In view of the effect of the calculation method on other local authorities it was proposed that support also be sought from the Welsh Local Government Association.

**RESOLVED** that Cabinet –

- (a) notes the full Annual Monitoring Report (attached at Appendix 1 to the report), it being the first such report;
- (b) agrees a written statement be sent on behalf of Cabinet to Welsh Government outlining concern about the prescribed calculation method for a 5-year supply of readily developable housing land, and
- (c) a copy of the Council's submission to the Welsh Government be sent to the Welsh Local Government Association in order to canvass their support.

## **8 FINANCE REPORT**

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

- a net under spend of £0.476m was forecast for service and corporate budgets
- 91% of agreed savings had been achieved to date (target £7.3m)
- highlighted key variances from budgets or savings targets relating to individual service areas
- a general update on the Housing Revenue Account, Housing Capital Plan and the Capital Plan (including the Corporate Plan element)
- provided an update on the PFI Contract Termination and paid tribute to the Chief Finance Officer and his team for all their work in that regard, and
- asked Cabinet approve the transfer of £40k funding to the EDRMS reserve to help fund the project in 2016/17.

The following matters were raised during debate –

- members were pleased to note the benefits and savings as a result of the termination of the PFI contract which included County Hall, Ruthin Town Hall and Corporate Store facility and Councillor Thompson-Hill responded to questions raised in that regard including facilities management arrangements
- Cabinet was also pleased to report on the success of the major projects with particular mention to West Rhyl Coastal Development and associated West Rhyl Housing Improvement Project; Rhyl High School, and series of soft launches for the Nova before the formal launch on 23 November – members felt that more should be done to promote the substantial investment in major projects
- Councillor Barbara Smith updated members on the EDRMS project advising that the funding reserve would enable electronic conversion in additional services
- achieving 91% of agreed savings at this stage in the financial year was noted as a significant accomplishment and a credit to the relevant services.

**RESOLVED** that Cabinet –

- (a) notes the budgets set for 2015/16 and progress against the agreed budget strategy, and*
- (b) approves the transfer of £40k funding to the EDRMS reserve to help fund the project in 2016/17.*

## **9 CABINET FORWARD WORK PROGRAMME**

Councillor Hugh Evans presented the Cabinet Forward Work Programme for consideration and members noted the following amendments –

- an additional item for December on the Officer Scheme of Delegation together with a potential item on the North Wales Hospital Compulsory Purchase Order
- an additional item for January on the Budget, and

- a report back following publication of the statutory notice to close Ysgol Llanbedr was provisionally scheduled for February.

***RESOLVED*** that *Cabinet's Forward Work Programme* be noted.

The meeting concluded at 1.15 p.m.