

CABINET

Minutes of a meeting of the Cabinet held in Conference Room 1a, County Hall, Ruthin on Tuesday, 2 June 2015 at 2.00 pm.

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 Ann Davies, Meirick Davies, Martyn Holland, Huw Hilditch-Roberts, Alice Jones, Gwyneth Kensler, Dewi Owens, Merfyn Parry, Arwel Roberts, Cefyn Williams and Huw Williams

ALSO PRESENT

Chief Executive (MM); Corporate Director Economy and Public Realm (RM); Heads of Service: Legal, HR and Democratic Services (GW), Head of Customers and Education Support (JW), and Education (KE); Programme Manager Modernising Education (JC); Chief Accountant (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 Meirick Davies – Governor Ysgol Cefn Meiriadog & Ysgol Trefnant
Councillor Alice Jones – Governor Ysgol y Faenol
Councillor Huw Jones – Governor Ysgol Caer Drewyn & Ysgol Carrog

The following members declared a personal interest in agenda items 5, 6 & 7 –

Councillor Bobby Feeley – Governor Rhos Street School
Councillor Huw Hilditch-Roberts – Governor Ysgol Pen Barras & Nieces in Ysgol Rhewl
Councillor Martyn Holland – Governor Ysgol Bro Famau
Councillor Dewi Owens – Governor Ysgol Glan Clwyd & St. Asaph VP Infants
Councillor Merfyn Parry – Governor Ysgol Bryn Clwyd & Ysgol Gellifor
Councillor Arwel Roberts – Governor Ysgol y Castell & Ysgol Dewi Sant
Councillor David Smith – Grandson in Ysgol Pen Barras
Councillor Julian Thompson-Hill – Governor Ysgol Clawdd Offa
Councillor Cefyn Williams – Governor Ysgol Bro Dyfrdwy
Councillor Huw Williams – Son in Ysgol Pen Barras

3 URGENT MATTERS

No urgent matters had been raised.

4 MINUTES

The minutes of the Cabinet meeting held on 24 March 2015 were submitted.

RESOLVED that the minutes of the meeting held on 24 March 2015 be approved as a correct record and signed by the Leader.

5 YSGOL LLANFAIR AND YSGOL PENTRECELYN

Councillor Eryl Williams presented the report detailing the findings of the formal consultation for the future of Ysgol Llanfair and Ysgol Pentrecelyn and seeking Cabinet approval to publish the required statutory proposals for the closure of both schools and creation of a new area school. It was proposed that the new area school would be Language Category 2 (dual stream) and designated a Voluntary Controlled Church in Wales school. The new area school would utilise the existing sites until it was consolidated on one site in a new build.

Councillor Williams explained the context of the proposal as part of the wider Ruthin area schools review to safeguard the future sustainability of education provision in the area. The main area of contention was the proposed categorisation of the new school. Most consultation respondents from Ysgol Llanfair supported a Category 2 school whilst respondents from Ysgol Pentrecelyn wanted Category 1 (Welsh Medium). In considering the consultation responses it was important to balance the needs of both Welsh and English speaking families. There was a risk that parents of non-Welsh speaking families would choose to send pupils to English medium schools if the new area school was Category 1. Consequently Councillor Williams considered Category 2 the best option for maintaining and potentially growing the number of pupils assessed through the medium of Welsh and leaving school fluent in both languages. Both schools retained a strong Welsh ethos and culture with all pupils leaving school fluent in both languages and he was confident this would continue in the new area school.

Cabinet considered the consultation responses and arguments in respect of the proposal and sought clarification around the language categorisation definitions within schools and expected outcomes. Questions were also raised regarding the religious designation, capital investment and financial implications; together with the viability of the proposed school should parents boycott the new area school. As local member the Leader reported upon his personal links with the two communities and success of both schools. He highlighted the importance of weighing up all the information presented in order to deliver the best possible outcome for education provision in the area. He also raised questions regarding the ethos of the new school and reasons for not pursuing other suggested options for local provision.

The following responses were given to the issues raised –

- the context to the categorisation process was explained and reference made to the Welsh Government guidance document (2007) in order to define schools according to Welsh medium provision. Reference was also made to the Welsh Government's Welsh-medium Education Strategy (2010) with regard to bilingual education. It was noted that Welsh medium stream pupils in Category 2 schools were required to achieve the same outcomes as pupils in Category 1 schools. The majority of pupils from Ysgol Llanfair transferred into the Welsh stream at secondary school. Councillor Huw Jones highlighted the importance of growing the number of Welsh speakers with the aim of all pupils leaving school confident in both languages – he supported a Category 2 school to facilitate this process
- the consultation had been carried out in partnership with the Church in Wales St. Asaph Diocese who supported the proposal for a Category 2 Voluntary Controlled Church in Wales school
- in terms of the future sustainability of an area school officers advised if all parents from Ysgol Pentrecelyn (35 pupils) sought alternative Category 1 provision the school would still be a viable proposition. Ysgol Llanfair (94 pupils) supported a Category 2 school and there would be a big risk in terms of viability if the proposal was changed to Category 1
- if parents wished to send their children to the nearest alternative Category 1 school capacity could be built in to the new school building for Ysgol Pen Barras and applications would be considered in line with the admissions policy
- members' attention was drawn to paragraph 4.9 within the report detailing the governance arrangements and safeguards to ensure the current strong ethos and Welsh status was maintained in the new school
- officers elaborated upon the suggested options put forward by Ysgol Pentrecelyn and why they had been discounted as the best option for the area.

Councillor Arwel Roberts spoke in favour of a Category 1 designation for the new area school. He felt the future of the Welsh Language was under threat and the language categorisation proposal would be contrary to the Welsh Government's Education Strategy. He also raised questions regarding school transport and pupil outcomes. Councillor Huw Hilditch-Roberts was keen for a compromise acceptable to both schools and raised questions regarding the statutory processes and language categorisations. Councillor Meirick Davies sought further clarification on a number of points raised within the consultation responses. The following responses were provided to the issues raised –

- the reasoning behind the proposal for a Category 2 school was reiterated as a means of expanding the Welsh Language
- it was acknowledged a change in leadership would always provide a risk but assurances were given in terms of measures in place to safeguard against the dilution of future Welsh medium provision in the new area school
- the eligibility criteria for school transport provision was explained, particularly in terms of both language and faith school categorisations
- the statutory process was explained should Cabinet decide to publish the notice for school closure – there was a risk that any future challenge could impact negatively on the potential to build a new area school
- designating the new area school a Church school was not considered a risk with little objection to that element of the proposal

- a response had been provided to all points raised during the consultation and the reasoning behind the different school categorisations in other area reviews was clarified
- Councillor Huw Jones reported upon the Welsh in Education Strategic Plan and how Denbighshire aimed to increase the number of Welsh speakers within the county – he provided some statistics to demonstrate the increase in Welsh standards within schools over recent years.

Having considered the findings of the consultation and responses to issues raised, and bearing in mind there was no difference in outcomes for pupils in both schools, Cabinet supported the proposal as a means of ensuring the best possible education provision for pupils in the area. The Leader thanked members for their contribution to debate highlighting the need to support the Welsh Language and make it accessible for everyone by providing an opportunity for non-Welsh speakers to learn. The Council could not maintain the current number of schools within the county and had a duty to deliver the best possible education provision within the area. He hoped the creation of a new area school would bring both communities together to that end.

RESOLVED that Cabinet –

- note the findings of the formal consultation for the closure of Ysgol Llanfair and Ysgol Pentrecelyn and the opening of a new area school on the two existing sites;*
- approve the publication of a statutory notice for Denbighshire County Council to close Ysgol Llanfair DC and Ysgol Pentrecelyn on 31 August 2016; and the Church in Wales to establish a new Voluntary Controlled Area School on the existing sites from 1 September 2016, and*
- note the option for parents to apply to send their children to Ysgol Pen Barras as an alternative school should they wish their children to remain within a Category 1 school.*

At this juncture (3.40 p.m.) the meeting adjourned for a refreshment break.

6 YSGOL RHEWL

Councillor Eryl Williams presented the report detailing the findings of the formal consultation for the future of Ysgol Rhewl and seeking Cabinet approval to publish the required statutory proposal for the closure of the school with pupils transferring to Ysgol Ben Barras or Rhos Street School to coincide with the opening of the new school buildings.

Councillor Williams provided some background to the review of primary schools within the county and explained the context of the proposal as part of the wider Ruthin area schools review, highlighting the need to tackle surplus places and invest in building new schools to ensure the best education possible for pupils in the area. After considering the consultation responses the view remained that the proposal to close the school and transfer pupils would represent the best option for

ensuring pupils in the area remained able to access good standards of education in modern, fit for purpose facilities.

Cabinet discussed the report and consultation findings, particularly in terms of the language impact and sought clarification in this regard and the loss of bilingual provision. Questions were also raised around capacity in other schools to relocate pupils and traffic management concerns. The following responses were provided –

- officers referred to Welsh Government guidance ‘Defining schools according to Welsh medium provision’ (2007) and the language categorisation process which focused on provision and attainment. A dual stream primary school offered two types of provision with the option of Welsh medium or English delivery. The outcomes for the Welsh stream was as per Category 1 and the English stream as per Category 5. Reference was also made to the Welsh Government’s Welsh-medium Education Strategy (2010) which contained a definition of bilingual provision – a term used to refer to a wide range of teaching and learning settings which could include varying amounts of Welsh in delivery. Whilst historically some Ysgol Rhewl pupils had transferred to the Welsh stream in secondary school none had done so in recent years. If the school closed there would be alternative provision within the context of the categorisation
- whilst acknowledging the wealth of responses against the proposal the case for closure had been made based on the need to rationalise schools and tackle surplus spaces and sustainability issues. Only 20 of the 54 pupils resided in Rhewl/Llanynys with the remainder living outside of that area
- assurances were provided that there would be sufficient capacity in the school system to relocate pupils – the proposal coincided with the opening of the new schools at Glasdir and following discussions with parents sufficient space would be planned to accommodate pupils
- confirmed a traffic management study would be undertaken together with the safer routes assessment as part of the detailed feasibility study of the Glasdir site.

Councillor Merfyn Parry spoke against the proposal and referred to his recent email to Cabinet detailing his views on the report which he had submitted on behalf of Ysgol Rhewl governors. He drew particular attention to the following points –

- concerns regarding the suitability of the route for pupils from Rhewl to Glasdir
- reference to the Parliamentary Committee’s recommendations that new schools should not be developed near to major roads, as was proposed at Glasdir
- reference to the recent report to Communities Scrutiny Committee on the language categorisation of schools and the status of Ysgol Rhewl
- the bilingual status of the school had not been appropriately addressed – once it was known that assessment in Welsh was an indicator of Welsh language delivery 4 pupils had been immediately identified who could be assessed in Welsh with a possible 10 – 12 pupils who could be assessed at a later date
- if parents wanted Category 2 provision the only option would be Ysgol Llanfair
- there would be a massive impact on the community if the school closed
- the impact of the future housing development had not been accounted for.

Councillor Parry pointed out Cabinet had debated the merits of a Category 2 school under the previous item but was now debating the closure of such a school and forcing parents to choose between Category 1 (Welsh) and Category 5 (English).

The following responses were provided –

- the categorisation process for schools in Denbighshire as reported to Communities Scrutiny Committee was confirmed – it had been recognised that over the last 2/3 years no pupils at the school had been through the Welsh medium stream in terms of outcomes but the school had been working to develop that offer and increase Welsh medium delivery. Within the context of the dual stream setting the expected outcomes were Category 1 for the Welsh stream and Category 5 for the English stream
- the proposal was to close the school with pupils transferring to Ysgol Pen Barras (Category 1) or Rhos Street (Category 5) – if parental preference was for Category 2 applications would be assessed as part of the usual school admissions process based on capacity, however free school transport would not be provided if it involved bypassing a school which delivered the same provision
- the Parliamentary Committee's recommendations were clarified and referred to England not Wales – they were not considered applicable in this case.

In response to further questions the council's policy regarding disposal of former school buildings was clarified and it was explained that any capital receipts generated would be ear marked for modernising education projects. Assurances were also provided that Cabinet had sight of all consultation responses and the opportunity to test any alternative proposal.

Councillor Parry thanked Cabinet for reading the responses and urged members to think carefully about the proposal to close a thriving village school. In moving the recommendations Councillor Eryl Williams advised that the decision to recommend closure had not been taken lightly and he had great empathy with the school but believed it to be the best option for the future education of pupils in Denbighshire.

RESOLVED that Cabinet –

- (a) note the findings of the formal consultation for the closure of Ysgol Rhewl, and*
- (b) approve the publication of a statutory notice to close Ysgol Rhewl on 31 August 2017 with pupils transferring to Ysgol Pen Barras or Rhos Street School to coincide with the opening of the new school buildings.*

At this juncture (4.30 p.m.) the meeting adjourned for a refreshment break.

7 YSGOL LLANBEDR

Councillor Eryl Williams presented the report detailing discussions with the Church in Wales Diocesan Authority regarding the future of Ysgol Llanbedr and seeking Cabinet approval to proceed to formal consultation on the proposal to close Ysgol

Llanbedr VC on 31 August 2016 with existing pupils transferring to Ysgol Borthyn VC, subject to parental preference.

Councillor Williams reiterated the rationale behind the review of primary schools in the county and the context of Ysgol Llanbedr as part of the wider Ruthin area review. The case for change had been set out in the report highlighting projections in terms of surplus places and issues over the sustainability and viability of the school and standards of education and attainment in the future. Following rejection of the initial proposal by the Welsh Government, officers had consulted with the Church in Wales regarding the school's future. The Diocese had submitted an alternative proposal which included suspending the proposed consultation to close the school to allow a federation partner to be secured and change of status to Voluntary Aided, with a commitment to review the school's future in May 2018. They believed this proposal would address the Council's aims of reducing costs and addressing surplus places. Councillor Williams advised that more detailed proposals could be submitted during the formal consultation period and officers would work with the Diocese in that regard.

Cabinet considered the report and reflected on their recent meeting with the Diocese regarding their proposal. Due to the lack of detail and robust business case no evaluation of the viability of the proposal could be made. It was clarified that any development of the proposal would need to be undertaken by the Diocese but officers would be willing to work with them and provide any relevant information.

Councillor Huw Williams expressed his disappointment that the issue of closure was still being considered and asked that the consultation be suspended to allow time for the federation proposal to be developed – he felt that future talks with potential federation partners may be compromised if the consultation for closure went ahead. He also reminded Cabinet that funding to progress the Ruthin area review proposals had been secured and was not reliant on the school's closure. Councillor Dewi Owens also felt strongly that the consultation should be suspended and the Diocese and Council should work together to develop the federation proposal. Councillor Martyn Holland highlighted the merits of federation as a real alternative to closure and referred to the potential implications on pupil numbers arising from new housing developments. Councillor Huw Hilditch-Roberts sought clarification on the pupil numbers and stressed the need for some thought to be given to the children affected. Responses were provided as follows –

- it was clarified that the proposal to close the school was subject to a fresh consultation and members would remain open minded and consider all responses received, including any alternative proposal submitted
- assurances were given that the viability of any alternative proposals would be assessed and presented to Cabinet together with the full consultation responses for consideration
- the pupil projection figure was 53 by 2020 – capacity had been reviewed at the request of the Governing Body and would be increased to 77 from September 2016, again at the request of the Governing Body
- some discussion took place on the issue of federation and when it had first been raised, this included why federation with Ysgol Borthyn had been discounted,

the failure of the Diocese to put forward an alternative proposition for federation at an earlier stage, and the need for willing federation partners was emphasised

Cabinet felt the uncertainty over the school's future should be resolved as soon as possible and that sufficient information had not been provided by the Diocese to justify suspending formal consultation on the school's closure. Cabinet was satisfied that the Diocese would have sufficient time during the consultation period to develop a detailed alternative proposal and they welcomed that approach.

RESOLVED that Cabinet approve formal consultation for proposals to close Ysgol Llanbedr VC on 31 August 2016 with existing pupils transferring to Ysgol Borthyn VC, subject to parental preference.

8 FINANCE REPORT AND CORPORATE PLAN UPDATE

Councillor Julian Thompson-Hill presented the report detailing the latest financial position and seeking approval to increase the investment in highways maintenance. He guided members through the report which included the following elements –

- a summary of the Council's revenue budget for 2015/16
- a summary of the agreed savings for 2015/16 by service area
- an updated position on the Corporate Plan, key changes and assumptions, and
- the need for an additional £800k investment in highways per year to maintain the roads to the current standard – based on the latest assumptions within the Plan it was possible to fund this additional resource.

Cabinet welcomed additional investment for highways in order to maintain standards and avoid deterioration of the county's roads. Members discussed how the extra funding would be targeted to maintain improvements. It was clarified that the Head of Highways and Environmental Services would submit his proposals through the Member Area Groups and there was no requirement to spend the allocation before the end of the financial year. The Chief Executive wanted targeted funding to ensure the Corporate Plan outcome for highways was achieved. Discussion also focused on the need to publicise the Council's commitment and investment in the county's roads – it was agreed that the relevant Lead Member and Corporate Director should meet with the press directly to explain the position and positive outcome. In terms of savings Cabinet was also pleased to note that 71% of savings for 2015/16 had already been achieved with the remaining savings also being progressed. Any underspends from the previous year would be included in the financial outturn report for consideration at the next meeting.

Cabinet agreed to amend the wording of the recommendation for clarity.

RESOLVED that Cabinet –

- (a) note the 2015/16 budgets and savings, and
- (b) approve the proposals to increase expenditure on highway maintenance by £800k per year and confirm the assumptions noted within the Plan.

9 CABINET FORWARD WORK PROGRAMME

Councillor Hugh Evans presented the Cabinet Forward Work Programme for consideration and members noted a number of amendments.

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 items of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A of the Local Government Act 1972*

10 PFI CONTRACT - UPDATE

Councillor Julian Thompson-Hill presented the confidential report updating Cabinet on the latest position regarding termination of the Ruthin PFI contract.

Details of the contract had been provided together with the action taken to date and next steps in the process. Officers responded to questions regarding management of the process and termination provisions together with the associated financial risks. In terms of timescale the contract would be terminated within six months. It was agreed to receive a progress report at a future meeting.

RESOLVED that *Cabinet note the latest position.*

The meeting concluded at 6.05 p.m.