

To: Members of the Communities
Scrutiny Committee

Date: 30 September 2020

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Dear Councillor

You are invited to attend a meeting of the **COMMUNITIES SCRUTINY COMMITTEE** to be held at **10.30 am** on **MONDAY, 5 OCTOBER 2020** in **VIA WEBEX**.

PLEASE NOTE: DUE TO THE CURRENT RESTRICTIONS ON TRAVEL AND THE REQUIREMENT FOR SOCIAL DISTANCING THIS MEETING WILL NOT BE HELD AT ITS USUAL LOCATION. THIS WILL BE A REMOTE MEETING BY VIDEO CONFERENCE AND NOT OPEN TO THE PUBLIC.

Yours sincerely

G. Williams
Head of Legal, HR and Democratic Services

AGENDA

1 APOLOGIES

2 DECLARATION OF INTERESTS (Pages 3 - 4)

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act 1972.

4 REVIEW OF CABINET DECISION RELATING TO 21ST CENTURY SCHOOLS PROGRAMME - BAND B PROPOSALS (Pages 5 - 30)

To consider a report by the Scrutiny Co-ordinator (copy attached) which seeks the Committee, based on the written and verbal information provided, to review the Cabinet's decision of 22 September 2020.

MEMBERSHIP

Councillors

Councillor Huw Williams (Chair)

Councillor Graham Timms (Vice-Chair)

Mabon ap Gwynfor

Anton Sampson

Brian Blakeley

Glenn Swingler

Rachel Flynn

Andrew Thomas

Tina Jones

Cheryl Williams

Merfyn Parry

Voting Co-opted Members for Education (Agenda Item No. 4 only)

Kathleen Jones

Neil Roberts

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All Councillors for information

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DEDDF LLYWODRAETH LEOL 2000

Cod Ymddygiad Aelodau

DATGELU A CHOFRESTRU BUDDIANNAU

Rwyf i,
(enw)

*Aelod /Aelod cyfetholedig o
(*dileuer un)

Cyngor Sir Ddinbych

YN CADARNHAU fy mod wedi datgan buddiant ***personol / personol a sy'n rhagfarnu** nas datgelwyd eisoes yn ôl darpariaeth Rhan III cod ymddygiad y Cyngor Sir i Aelodau am y canlynol:-
(*dileuer un)

Dyddiad Datgelu:

Pwyllgor (nodwch):

Agenda eitem

Pwnc:

Natur y Buddiant:

(Gweler y nodyn isod)*

Llofnod

Dyddiad

Noder: Rhowch ddigon o fanylion os gwelwch yn dda, e.e. 'Fi yw perchennog y tir sy'n gyfagos i'r cais ar gyfer caniatâd cynllunio a wnaed gan Mr Jones', neu 'Mae fy ngŵr / ngwraig yn un o weithwyr y cwmni sydd wedi gwneud cais am gymorth ariannol'.

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a *member/co-opted member of
*(*please delete as appropriate)*

Denbighshire County Council

CONFIRM that I have declared a ***personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-

*(*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)**

Signed

Date

*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

Report to	Communities Scrutiny Committee
Date of meeting	5 October 2020
Lead Member/Officers	Councillor Huw Hilditch-Roberts/ Geraint Davies, Interim Head of Education/ James Curran, Principal Manager – School Support
Report author	Rhian Evans, Scrutiny Co-ordinator
Title	Review of Cabinet Decision relating to 21st Century Schools Programme – Band B Proposals

1. What is the report about?

- 1.1 The report is about a review under the Council’s Scrutiny ‘call-in’ procedure of a decision on ‘21st Century Schools Programme – Band B Proposals’ taken by the Cabinet on the 22nd September 2020.

2. What is the reason for making this report?

- 2.1 A notice of a ‘call-in’ was submitted by 5 non-Cabinet councillors in accordance with the Council’s Constitution. The notice called for a review by one of the Council’s Scrutiny committees into a decision of the Cabinet relating to 21st Century Schools Programme – Band B Proposals

3. What are the Recommendations?

- 3.1 That the Scrutiny Committee, after considering the information in this report, appendices and the representations made today, decides whether to refer the decision on the 21st Century Schools Programme – Band B Proposals taken on the 22 September 2020 back to Cabinet for further consideration.
- 3.2 That if Cabinet is requested to reconsider its original decision, the Scrutiny

Committee identifies the reasons for the review and any recommendations it would like Cabinet to consider.

4. Report details

4.1 On the 22 September 2020 Cabinet considered a report on '21st Century Schools Programme – Band B Proposals' (copy attached at Annex A).

4.2 At the conclusion of its discussion Cabinet resolved to:

“(a) approve the commencement of projects at Ysgol Plas Brondyffryn / Denbigh High School, Denbigh; Ysgol Bryn Collen / Ysgol Gwernant, Llangollen and Ysgol Pendref, Denbigh as part of the first phase of projects for Band B of the 21st Century Schools Programme and the submission of these proposals to Welsh Government, and

(b) to continue to seek additional funding for the second phase of projects of Band B and to review the position in 18 months to ascertain options for the delivery of some of these projects.”

4.3 The Council's 'call-in' procedure defines a process for Scrutiny to exercise its statutory powers to review or scrutinise executive decisions, and to request that the decision-maker reconsiders a decision that has been taken, prior to it being implemented.

4.4 Cabinet's decision was published on the 24 September. The 'call-in' procedure allows non-Cabinet councillors 5 working days in which to submit a notice of 'call-in'. Councillor Paul Penlington submitted a notice of 'call-in' electronically on 28 September. This request was supported (via individual e-mails) by four other non-Cabinet councillors, namely Councillors Mabon ap Gwynfor, Arwel Roberts, Glenn Swingler and Emrys Wynne.

4.5 The reason stated on the request for 'calling-in' the decision is:

“...I wish to call in this decision in order that the authority can properly review PHS [Prestatyn High School] need as it stands in 2020 fairly alongside other schools. As the largest secondary school in the county, and only secondary

school in Prestatyn it has as good a case for improvement as others scheduled for Band B funding.”

4.6 Communities Scrutiny Committee was scheduled to consider a report on the ‘Process for Band B Submission’ at its next meeting on 22 October 2020. However, following the call-in of this particular decision it was felt that having access to that report ahead of the current meeting would be beneficial and useful for Committee members. The report can be seen at Annex B

4.7 After considering the Cabinet’s decision and the representations made at today’s meeting, Communities Scrutiny Committee must decide whether the decision should be referred back to Cabinet. The Scrutiny Committee should provide its reasons for doing so and any information it wants Cabinet to consider. These would be considered by Cabinet at its next available meeting and Cabinet should demonstrate that appropriate consideration is given to the Scrutiny Committee’s recommendations.

4.8 Cabinet will have the options to change or re-affirm its original decision.

4.9 If Communities Scrutiny Committee decides that Cabinet’s decision should not be referred back to Cabinet, then the original decision can be implemented immediately.

5. How does the decision contribute to the Corporate Priorities?

5.1. The review of a Cabinet decision is not linked to the Corporate Priorities.

6. What will it cost and how will it affect other services?

6.1. See Cabinet report dated 22 September 2020 (Annex A).

7. What are the main conclusions of the Well-being Impact Assessment?

7.1. See Cabinet report dated 22 September 2020 (Annex A).

8. What consultations have been carried out with Scrutiny and others?

N/A. This report has been prepared under the provisions and timescales of the Council's constitution for a 'call-in' of a Cabinet decision

9. Chief Finance Officer Statement

9.1. See Cabinet report dated 22 September 2020 (Annex A)

10. What risks are there and is there anything we can do to reduce them?

10.1. See Cabinet report dated 22 September 2020 (Annex A)

11. Power to make the decision

11.1. Section 21(2) and (3) of the Local Government Act 2000

11.2. Sections 7.2.1 and 7.25 of the Council's Constitution

Report to	Cabinet
Date of meeting	22nd September 2020
Lead Member / Officer	Councillor Huw Hilditch Roberts, Lead Member for Education, Children's Services and Public Engagement
Report author	Geraint Davies, Interim Head of Education
Title	21 st Century Schools Programme – Band B Proposals

1. What is the report about?

The report provides an update on the progression of Denbighshire's proposals for Band B of the 21st Century Schools Programme to be delivered in partnership with the Welsh Government.

2. What is the reason for making this report?

To enable Cabinet to approve the approach to the delivery of Band B of the 21st Century Schools Programme in Denbighshire.

3. What are the Recommendations?

To approve the commencement of projects at Ysgol Plas Brondyffryn / Denbigh High School, Denbigh; Ysgol Bryn Collen / Ysgol Gwernant, Llangollen and Ysgol Pendref, Denbigh as part of the first phase of projects for Band B of the 21st Century Schools Programme.

To continue to seek additional funding for the second phase of projects of Band B and to review the position in 18 months to ascertain options for the delivery of some of these projects.

4. Report details

4.1 The Cabinet considered in December three options to progress the implementation of Band B of the 21st Century Schools Programme for Denbighshire. Members supported the option to seek additional funding from Welsh Government via a revised Strategic Outline Programme. Based on the indicative figures an increase of approximately £15m was required from the Welsh Government to deliver the programme of a value of £83m. This programme would have required an overall contribution in the programme to a figure closer to £21m for Denbighshire, as per the Corporate Plan funding. The revised SOP was considered by the Welsh Government in February 2020 and the following response was received from them in March 2020.

We have received a number of applications for Strategic Outline Programme revisions and are conscious of funding and affordability at this early stage of Band B. We therefore needed to define a process to treat such requests consistently. Following discussion at the recent Education Investment Panel meeting, the Minister for Education has now agreed the process detailed below:

- Where delivery partners wish to include and prioritise a new scheme that was not contemplated in their original Band B SOP they must revise their SOP to reflect the order of priority of schemes with any schemes that fall in excess of the original funding envelope sitting on a “reserve” list pending availability of funding above the original envelope.
- Delivery partners are not normally permitted to swap a MIM funded project to a Capital funded project;
- Delivery partners are permitted to swap a Capital funded project to a MIM funded project (subject to availability of revenue funding);
- Delivery partners may swap schemes in and out of Band B within their original funding envelope provided that their original SOP is amended to make the replacement scheme part of Band B. This change would be subject to approval through the Welsh Government business case process.

4.2 Effectively this has required the list of projects to be reviewed and the delivery of the programme to be considered as two phases. The first phase of projects (see Appendix 1) would see the commencement of detailed feasibility works to enable these projects to commence. For the second phase the Council will continue to discuss with Welsh Government the case for additional resources and this position will be reviewed in 18 months to ascertain options for the delivery for some of these projects.

4.3 For the projects in Phase 1, they will be progressed as individual projects. Individual Business Cases will be progressed utilising the 5 Case Business Model of the Welsh Government and at key milestones will be subject to detailed review by the Strategic Investment Group / Cabinet etc in addition to the approval mechanisms of the Welsh Government. Procurement will be via the North Wales Construction Framework. Band A had a positive impact on the economy of North Wales and Denbighshire will seek to maximise this again via the mechanisms of the framework.

5. How does the decision contribute to the Corporate Priorities?

The proposals will assist the Council meet the priority for Young People that Denbighshire is a place where young people will want to live and work and have the skills to do. In particular this will see Denbighshire continue to modernise schools via the 21st Century Schools Programme and if we are successful we expect to see modern school facilities that further enhance pupils' learning.

21st Century Schools Band B projects and what we do with any potential redundant sites could make a significant contribution towards the Council's aim of becoming Net Carbon Zero and Ecologically Positive by 2030 and in doing so show a clear contribution to tackling the Climate Change and Ecological Emergency- which was declared by Full Council in July 2019. Welsh Government through their Prosperity for All: A Low Carbon Wales Plan (2019) has targeted for the public sector in Wales to be net carbon zero by 2030 and decarbonisation has the potential to be a key consideration in the 21st Century Band B (and C) funding programme. Through learning lessons from 21st Century Schools Band A and by developing, delivering and managing-in-use zero/low carbon buildings the 21st Century Schools Band B projects could reduce the running costs for the Authority from both a financial and carbon point of view alongside creating exemplar learning environments.

6. What will it cost and how will it affect other services?

The overall programme for Band B, should additional resources be released by Welsh Government would cost Denbighshire £21m as illustrated in Appendix 1. The first phase of works to be approved have an overall value of £51.9m of which £15.8m will be funded by Denbighshire via the Council's Corporate Plan. Should the proposals be progressed the development of the Programme would continue to have workstreams for other teams within the Council in particularly Design, Construction and Maintenance. The costs of these teams are absorbed in the overall outline costs.

7. What are the main conclusions of the Well-being Impact Assessment?

The development of a programme for investment for 21st Century Schools should have a positive impact on Denbighshire. (see Appendix 2) The construction phase will lead to increased investment in local companies and improve employment prospects. Site selection may have a negative impact on a resilient Denbighshire and this will need to be carefully considered. The provision of modern buildings should impact positively on a healthier and equal Denbighshire whilst providing an opportunity for a more cohesive community. Lessons learnt from Band A will need to be applied to the approach to energy management for Band B. The impact on Welsh Language will be guided by where investment is made.

8. What consultations have been carried out with Scrutiny and others?

Consultation took place with Councillors at an informal meeting in December 2016. The identified priorities were then incorporated into the Strategic Outline Programme approved by Cabinet in 2017. Discussions took place with stakeholders in December 2019 and further discussions are scheduled with Headteachers in advance of this meeting.

9. Chief Finance Officer Statement

Initial funding has been included in the Medium Term Financial Plan over the next 5 years, initially as part of the current Corporate Plan but continuing into future years due to the long term commitment. It is obviously a large financial commitment and it is welcome to see the careful and considered approach contained in this report. Further financial commitments will be included as appropriate.

10. What risks are there and is there anything we can do to reduce them?

The current Modernising Education Programme includes clear procedures for the management and escalation of risks at both the Programme and Project level. Should the programme be progressed these procedures would continue. The risks associated with the reduction in the programme would mainly impact two areas. By accepting the risk around maintaining poor or life expired buildings the costs around maintenance are expected to increase over time. For pupils in such buildings their learning opportunities may be impacted upon.

11. Power to make the decision

Section 14 of the Education Act 1996 places a duty on local authorities to secure sufficient schools for providing primary and secondary education.

Appendix 1 – 21st Century Schools Programme - Band B Proposals

Background

Denbighshire County Council working in partnership with the Welsh Government has delivered approximately £90m worth of investment to Denbighshire school buildings over the last 6 years as part the 21st Century Schools Programme Band A. The programme has significantly transformed the learning environment for many of Denbighshire’s pupils. The programme has also boosted the economy through this investment. 5 of the 8 projects were delivered by North Wales Construction companies and all projects sought to maximise within procurement regulations local spend.

The next phase of investment in the retitled 21st Century Schools and Colleges Programme will be Band B which will operate over a 5 year period.

Cabinet approved a revised Strategic Outline Programme for Band B and this was submitted to the Welsh Government in December 2019 and included the following potential projects:-

Project	Welsh Government	Denbighshire	Other	Total
Ysgol Gwernant / Ysgol Bryn Collen, Llangollen	£3,532,014	£1,901,854		£5,433,867
Ysgol Dinas Bran, Llangollen	£3,120,408	£1,680,220		£4,800,628
Ysgol Pendref, Denbigh	£4,976,765	£2,679,797		£7,656,561
Denbigh High School	£9,999,801	£5,384,509		£15,384,310
St Brigid’s, Denbigh	£14,269,651		£2,518,174	£16,787,825
Ysgol Plas Brondyffryn, Denbigh	£17,597,398	£5,865,800		£23,463,198
Rhyl Primary	£6,704,624	£3,610,182		£10,314,806
	£60,200,661	£21,122,361	£2,518,174	£83,841,196

Response from Welsh Government

In March 2020 Denbighshire received the following response from the Welsh Government:-

“We have received a number of applications for Strategic Outline Programme revisions and are conscious of funding and affordability at this early stage of Band B. We therefore needed to define a process to treat such requests consistently. Following discussion at the

recent Education Investment Panel meeting, the Minister for Education has now agreed the process detailed below:

- Where delivery partners wish to include and prioritise a new scheme that was not contemplated in their original Band B SOP they must revise their SOP to reflect the order of priority of schemes with any schemes that fall in excess of the original funding envelope sitting on a “reserve” list pending availability of funding above the original envelope.
- Delivery partners are not normally permitted to swap a MIM funded project to a Capital funded project;
- Delivery partners are permitted to swap a Capital funded project to a MIM funded project (subject to availability of revenue funding);
- Delivery partners may swap schemes in and out of Band B within their original funding envelope provided that their original SOP is amended to make the replacement scheme part of Band B. This change would be subject to approval through the Welsh Government business case process.”

In light of this advice from Welsh Government revised proposals for Denbighshire would be required in the first instance to bring down the Welsh Government contribution by approximately £15m to £45,486,983 as per the Strategic Outline Programme.

Any project which was below the affordability line would be seen as a reserve should additional funding become available as per the guidance.

An alternative option of a percentage reduction in all projects may be problematic. An arbitrary reduction in the initial project costs across the board will require the scope of all projects to be reduced and may not deliver all that is intended from Band B. Therefore on balance the approach of phasing delivery of the projects within the programme has been proposed.

From the local authority perspective all of the seven projects identified have been deemed as a priority for delivery. However in this instance to enable works to proceed this pragmatic approach has been developed.

The proposals would aim to see the programme delivered in two phases, dependent upon future decisions on funding.

Phased approach to delivery of Programme

Project	Funding split	Welsh Government	Denbighshire	Other	Total
Phase 1					
Ysgol Gwernant / Ysgol Bryn Collen, Llangollen	65/35	£3,532,014	£1,901,854		£5,433,867
Ysgol Pendref, Denbigh	65/35	£4,976,765	£2,679,797		£7,656,561
Denbigh High School	65/35	£9,999,801	£5,384,509		£15,384,310
Ysgol Plas Brondyffryn, Denbigh	75/25	£17,597,398	£5,865,800		£23,463,198
Total		£36,105,978	£15,831,959		£51,937,936

Phase 2					
Ysgol Dinas Bran, Llangollen	65/35	£3,120,408	£1,680,220		£4,800,628
St Brigid's, Denbigh	85/15	£14,269,651		£2,518,174	£16,787,825
Rhyl Primary	65/35	£6,704,624	£3,610,182		£10,314,806
Total		£24,094,683	£5,290,402	£862,703	£31,903,259

This approach would see an overall investment to the value of £51.9m within the school estate delivering improvements for 5 schools in total in the first phase.

This allocation would leave approximately £9.4m of Welsh Government funding together with £5.2m of Denbighshire funding to be reallocated to projects within Phase 2. The Council will continue to lobby the Welsh Government for the release of additional funding which may allow the overall programme to be delivered.

The main risks with this approach is the impact on the condition of buildings at Ysgol Dinas Bran and St Brigid's. Overall the quality of provision at Dinas Bran is mixed and the approach being considered will be a phased approach with the first area of investment being targeted. St Brigid's currently relies heavily on mobile accommodation which is generally of poor condition. There is a long term requirement for the Council working with St Brigid's Trust as a Voluntary Aided trust to address these concerns over the conditions for education.

The main risk for the Rhyl Primary provision is demand for places. At present there is high demand for places in primary provision and across the 4 community schools in the town there are year groups with no surplus places for in year admissions.

Way Forward

The proposal would be to commence the 4 projects in Phase 1 over the coming months.

This would see individual projects emerge and these would be subject to review by the Welsh Government and Denbighshire through the 5 Case Business Model. From a Welsh Government perspective projects with a value in excess of £5m will be required to be progressed in three stages; namely the Strategic Outline Case (SOC), Outline Business Case (OBC) and Full Business Case (FBC). Projects below £5m will be approved via a single Business Justification Case (BJC).

The progression of the projects will release resources to commence the various stages.

All projects will be procured via the North Wales Construction Framework dependent on the construction value for individual projects. The Framework includes a range of companies, many North Wales based, and allows for the appointment of companies based on the scale of the project.

21st Century Schools Programme Band B proposals

Well-being Impact Assessment Report

This report summarises the likely impact of the proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

Assessment Number:	268
Brief description:	The proposals for Band B of 21st Century Schools Programme which would be delivered in partnership with the Welsh Government
Date Completed:	01/09/2020 11:51:54 Version: 5
Completed by:	James Curran
Responsible Service:	Education & Children Services
Localities affected by the proposal:	Whole County,
Who will be affected by the proposal?	The proposals for Band B will impact on the school communities of Denbighshire directly and indirectly through the investment applied will have an impact on the economic community of Denbighshire and beyond.
Was this impact assessment completed as a group?	Yes

IMPACT ASSESSMENT SUMMARY AND CONCLUSION

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

Score for the sustainability of the approach

★ ★ ★ ★ (3 out of 4 stars) Actual score : 27 / 30.

Implications of the score

The proposals for Band B will take a long term perspective on the needs of the schools estate in Denbighshire to ensure that investment is targeted in the required areas. The lessons learnt from the delivery of Band A will be used to shape future projects within this next phase of the Programme.

Summary of impact

Well-being Goals

A prosperous Denbighshire

A resilient Denbighshire

A healthier Denbighshire

A more equal Denbighshire

A Denbighshire of cohesive communities

A Denbighshire of vibrant culture and thriving Welsh language

A globally responsible Denbighshire

Positive

Neutral

Positive

Positive

Positive

Neutral

Positive



Main conclusions

The progression of the programme for investment for 21st Century Schools should have a positive impact on Denbighshire. The construction phase will lead to increased investment in local companies and improve employment prospects. Site selection may have a negative impact on a resilient Denbighshire and this will need to be carefully considered. The provision of modern buildings should impact positively on a healthier and equal Denbighshire whilst providing an opportunity for a more cohesive community. The impact on Welsh Language will be guided by where investment is made.

Evidence to support the Well-being Impact Assessment

- We have consulted published research or guides that inform us about the likely impact of the proposal
- We have involved an expert / consulted a group who represent those who may be affected by the proposal
- We have engaged with people who will be affected by the proposal

THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

A prosperous Denbighshire

Overall Impact	Positive
Justification for impact	The investment in 21st Century Schools will provide school buildings which may be more energy efficient, provide economic regeneration during the construction phase and should increase the skill base of the local labour market. Lessons learnt from Band A will need to be applied to the approach to energy management for Band B.
Further actions required	The short term nature of construction projects may lead to jobs being available for a limited period. By working with the framework across North Wales to plan projects some of these issues may be overcome.

Positive impacts identified:

A low carbon society	Any projects progressed for new or refurbished buildings are likely to see significant improvements towards energy efficiency in those buildings. Through learning lessons from 21st Century Schools Band A and by developing, delivering and managing-in-use zero/low carbon buildings the 21st Century Schools Band B projects could reduce the running costs for the Authority from both a financial and carbon point of view alongside creating exemplar learning environments.
Quality communications, infrastructure and transport	In many instances we will seek to redevelop existing sites thus minimising change and seeking to take advantage of existing infrastructure. The development of new sites may encourage neighbouring sites to become active assisting development opportunities. The provision of new sites could act as a catalyst for investment in super fast broadband etc.
Economic development	The projects will contribute towards economic regeneration via the indicators to secure local spend and employment as part of the contract. The securing of contracts for local suppliers and trades will boost economic conditions in the short term.
Quality skills for the long term	An emphasis will be placed on employment of apprentices and work experience opportunities. The application of framework requirements should assist to enhance the skill base of the local labour market and allow such apprentices to be seen to be more skilled for the future.
Quality jobs for the long term	The main boost for quality jobs will be during the construction phase which will generally be between 12 - 24 months.
Childcare	The projects will seek to examine options for pre-school provision to be located with schools. This will be developed based on existing provision to ensure that a balance is achieved to ensure that existing providers remain viable.

Negative impacts identified:

A low carbon society	The overall number of journeys within an area will be increased via the construction project. This will include delivery of materials and the travel of site workers. The re-location of schools may create additional journeys for pupils.
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Quality communications, infrastructure and transport	N/A
Economic development	N/A
Quality skills for the long term	The need for increased training opportunities through the community benefits requirements may lead to a number of skilled operatives unable to secure long term jobs.
Quality jobs for the long term	The short term nature of the construction industry may lead to scenarios where trained up apprentices are unable to secure long term employment.
Childcare	N/A

A resilient Denbighshire

Overall Impact	Neutral
Justification for impact	The development of new sites or significant refurbishments could have an unintended negative consequence on the landscape of Denbighshire as the period of construction will lead to a disturbance of the natural environment. Any proposals will seek to mitigate these impacts.
Further actions required	Where possible design site layouts to ensure disruption is kept to a minimum and areas such as hedgerows be retained where possible. All projects will be required to consider diversity issues and undertake environmental impact assessments as part of the statutory planning process. Consideration will need to be given to the future use of redundant sites which may arise from Band B proposals and how these may be used to assist targets re becoming net carbon zero by 2030.

Positive impacts identified:

Biodiversity and the natural environment	Within the external layout of school sites opportunities to preserve or enhance natural habitats will be maximised to allow such areas to be used to deliver the curriculum.
Biodiversity in the built environment	Options will be explored for new buildings to have nesting / roosting areas elsewhere on the site should existing habitat's be disturbed in the provision of a new / refurbished building.
Reducing waste, reusing and recycling	Projects are encouraged to meet stringent recycling targets and minimise waste being taken off site. Where demolition takes place unused rubble is sought to be kept onsite for use as base materials for car parks etc.
Reduced energy/fuel consumption	The improvement to buildings will lead to energy efficiency. Any rationalisation of buildings in poor condition will also have a positive impact on energy consumption.
People's awareness of the environment and biodiversity	The development of projects will give the opportunity for pupils and the local community to become more aware of the existing habitat where a project is taking place.
Flood risk management	The selection of any site will consider land use policies and relevant WG guidance. Where any risk does arise the need to engineer a solution could lead to an overall reduction in flood risk.

Negative impacts identified:

Biodiversity and the natural environment	Development of new school buildings on green spaces is likely to have a negative impact on the natural environment.
Biodiversity in the built environment	The refurbishment or demolition of existing properties is likely to lead to the disturbance of wildlife who may occupy such properties.
Reducing waste, reusing and recycling	In many instances the buildings may be in a condition where they need replacing rather refurbishment. This will require careful consideration to the treatment of the waste arising from the disused building.
Reduced energy/fuel consumption	Should the number of school sites be reduced there is a risk that traffic patterns for parents / pupils may be amended with longer journeys required.
People's awareness of the environment and biodiversity	Concerns may arise from the amendments to the local habitat leading to resistance to any individual project.
Flood risk management	There is a risk that the development of sites will reduce the extent of permeable land and increase risk of flood in extreme weather.

A healthier Denbighshire

Overall Impact	Positive
Justification for impact	The development of improved school buildings can have a positive impact on health by providing safer transport links with pedestrian and cycle access considered as part of the design. Improved learning environments can have a positive impact on the mental well-being of pupils and staff through better planned facilities which seek to maximise natural light etc.
Further actions required	Such buildings are likely to be utilised more by the community and this needs to be considered very carefully in the design process. The change process can have a detrimental impact on people's emotional and mental well-being and the planning for transition needs to be considered sympathetically, and where appropriate individual plans may be required for pupils.

Positive impacts identified:

A social and physical environment that encourage and support health and well-being	Any project will consider as a matter of course issues around access for the community both in terms of physical accessibility to the site and also how the building and site can be better utilised by the community outside of core school hours.
Access to good quality, healthy food	Any improvements to schools will see consideration to the catering experience for schools. The investment in kitchen areas will enable improvements to the provision, and in recent projects there has been an increase in the number of pupils accessing school meals.
People's emotional and mental well-being	Improved learning environment will improve staff, pupil and community morale. The design of classrooms to modern standards will produce a better emotional environment for pupils i.e. noise reduction in classrooms, light levels
Access to healthcare	N/A
Participation in leisure opportunities	The development of school facilities, particularly at secondary level may see consideration to the improvement in leisure facilities.

Negative impacts identified:

A social and physical environment that encourage and support health and well-being	N/A
Access to good quality, healthy food	N/A
People's emotional and mental well-being	Any change in provision can lead to resistance from staff, pupils, parents etc. Disruption may occur to local residents during the construction phase and we will work with contractors to minimise the impact of issues.
Access to healthcare	N/A
Participation in leisure opportunities	Improvements to school safeguarding may decrease access to school sites and informal play on school sites out of hours.

A more equal Denbighshire

Overall Impact	Positive
Justification for impact	The design of schools will be considered carefully to eliminate areas of concern which could be a barrier for people with protected characteristics.
Further actions required	None

Positive impacts identified:

Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation	All projects will consider accessibility as a key theme during the design stage to ensure that pupils with a disability are not denied access to the full learning experience. Consideration has been given to the provision of unisex toilets or non designation of toilet areas to ensure that transgender users are not discriminated against.
People who suffer discrimination or disadvantage	N/A
Areas with poor economic, health or educational outcomes	The provision of improved facilities in areas of socio-economic deprivation can lead to an improvement to the sense of value of individuals. This could be via improved access to learning to provide the route for children to escape existing inequalities. The scope for improved community access will also be considered during this process.
People in poverty	By improving the educational offer through new school facilities the performance of pupils could improve increasing scope for gaining employment.

Negative impacts identified:

Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation	N/A
People who suffer discrimination or disadvantage	N/A
Areas with poor economic, health or educational outcomes	N/A
People in poverty	N/A

A Denbighshire of cohesive communities

Overall Impact	Positive
Justification for impact	By careful and considered design improved facilities can provide a positive impact on cohesive communities by providing facilities which can draw together the local community.
Further actions required	The construction stage is likely to have a negative impact on the local community on a short term basis. The project team will need to work with the contractor and the local community to minimise risks and to ensure clear communication at key times.

Positive impacts identified:

Safe communities and individuals	The design of any projects will ensure that careful consideration is given to site safety both during the construction phase and then when the site is fully occupied. Where possible improved surveillance will be sought in the design of buildings with passive supervision encouraged. Safeguarding will be considered with a clear demarcation between public and private zones both within the building and the overall site.
Community participation and resilience	The design of the school with more community access could allow the scope for local groups to use the sites outside of school hours. Consideration should be given to the provision of other activities taking place at the site.
The attractiveness of the area	The design of the buildings should enhance any area and this will be considered at the planning stage and form part of the consultation.
Connected communities	Issues around access to school will be considered as part of the planning process for any proposals / projects
Rural resilience	Proposals will consider the impact on the rural community of any change in provision.

Negative impacts identified:

Safe communities and individuals	The construction phase will have an impact on the community via increased traffic and access to the site for employees and the delivery of building supplies. This could have an impact on individuals during this phase.
Community participation and resilience	In considering community facilities there is a need to ensure that the overall provision is not saturated leading to existing providers becoming unviable.
The attractiveness of the area	The construction phase is likely to have a short term detrimental impact on the local community.
Connected communities	Proposals for change may require amendments to school locations and this may impact on existing patterns within the community.
Rural resilience	The loss of facilities in the rural community can have a negative impact on rural resilience and any proposal would need to consider options to negate any areas.

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact	Neutral
Justification for impact	The impact will be dependent upon whether investment is made in schools / areas to promote Welsh Medium education. Without confirmation of projects it is difficult to confirm whether this is positive. As part of Band A the Council has invested significantly to increase access to Welsh Medium education so this will need to be considered carefully in determining which projects move forward and whether they will impact on the Welsh Language.
Further actions required	Ensure that overall the benefits for Welsh Medium education are understood by parents when making decisions regarding school choices.

Positive impacts identified:

People using Welsh	An increase in capacity for Welsh Medium education will be a key theme nationally within Band B of 21st Century Schools. An increase in the number of Welsh learners could increase the overall number of speakers within Denbighshire and Wales.
Promoting the Welsh language	The building should be encouraged to deliver bilingual signage within the school should it be an English medium school. All public areas will be required to have bilingual signage. Communication with residents and the local community will be bilingual.
Culture and heritage	Consideration will be given in the design stage to the local heritage of an area so that any building is sympathetic to its neighbourhood.

Negative impacts identified:

People using Welsh	The development of new facilities for English medium schools could see parents choose English medium schools rather than Welsh medium based on the quality of facilities rather than the offer available.
Promoting the Welsh language	N/A
Culture and heritage	N/A

A globally responsible Denbighshire

Overall Impact	Positive
Justification for impact	The procurement of contractors and the subsequent construction periods should have a positive impact. Adherence to procurement regulations and statutory responsibilities around Health and Safety will ensure that the projects address such areas.
Further actions required	Ensure that the requirements of the programme on a local and regional level are communicated to Framework providers so they are aware of future workstreams.

Positive impacts identified:

Local, national, international supply chains	The provision of new projects will include community benefits as a key part of the procurement process. This will ensure that the local supply chain can be involved in projects. Main contractors will be encouraged to hold meet the buyer events and provide opportunities for local suppliers to compete for work.
Human rights	All contractors will be expected to have first class health and safety procedures in place and these will be rigorously examined during the delivery of the project. Workers employed during the process will be expected to be treated equitably.
Broader service provision in the local area or the region	The scoping of projects for Band B will consider co-location of services in areas to improve the overall quality of service for the community.

Negative impacts identified:

Local, national, international supply chains	Risk that an increase in work creates unintended issues for the capacity of the local supply chain.
Human rights	N/A
Broader service provision in the local area or the region	N/A

Report to	Communities Scrutiny Committee
Date of meeting	22nd October 2020
Lead Officer	Geraint Davies, Interim Head of Education
Report author	James Curran, Principal Manager – School Support
Title	Process for Band B submission

1. What is the report about?

1.1. This report has been produced to detail the process followed in order to determine which schools benefited from 21st Century Schools Band B investment.

2. What is the reason for making this report?

2.1. The report has been produced at the request of the Scrutiny Chairs and Vice-Chairs Group.

3. What are the Recommendations?

3.1. That the Committee considers the approach taken to determining the Band B priorities.

4. Report details

4.1. The 21st Century Schools Programme in Wales was launched in 2010 and has enabled nearly £1.4 billion of improvements in school buildings to occur in Wales via the 1st wave of funding Band A. Within Denbighshire this allowed through partnership working with the Welsh Government £90 million worth of investment to take place. This investment has made a considerable impact on the quality of the school estate.

4.2. The second wave of funding for the Programme is Band B and is scheduled to take place from 2019 onwards for a period of at least 5 years. In advance of

this the Welsh Government sought expressions of interest from local authorities in the autumn of 2016 to gain an understanding of the likely requirements for investment. At this stage the guidance on the grant intervention rate and criteria for Band B had not been issued.

- 4.3. To shape this an informal Council session was held in December 2016 to provide elected members with an opportunity to review where investment had or was scheduled to take place in Band A and then to discuss the potential priority areas for Band B. The approach in Denbighshire had been to examine Primary provision on an area basis to ensure that investment in school sites is seen in the wider context. This approach commenced with reviews of the Prestatyn and Dee Valley East (Llangollen) areas followed by reviews of the Dee Valley West (Corwen) and Ruthin areas. For secondary schools the approach had been to make investment in those schools deemed to be in the lower building condition category.
- 4.4. The seminar reviewed the revised position for the areas highlighted above and addressed the remaining areas for review and the issues arising particularly in respect of demand for school places and the condition of school buildings. The presentation reflected on areas where there was a concern over the sustainability of provision which included the position on school places, condition and suitability of buildings and the overall provision of services. Based on this knowledge the seminar then considered a long list for potential priority investment. This list to the value of approximately £137m was communicated to the Welsh Government in December 2016.
- 4.5. In May 2017 all local authorities were invited to submit their Strategic Outline Programme (SOP) for Band B investment for 21st Century Schools by the 31st July 2017. The invitation acknowledged that the overall demand for investment outstripped the likely size of the programme. Consideration was also required from an affordability perspective for Denbighshire. As a consequence a report was presented by the Lead Member for discussion at Cabinet on the 18th July. The SOP was approved for submission to the Welsh Government.
- 4.6. Confirmation was received in December 2017 for approval in principal for the programme envelope for the second wave of investment, subject to the approval of individual project business cases.

- 4.7. In November 2018 all local authorities were informed that the funding intervention rates for 21st Century Schools were to be amended. The decision was that rather than Community and Special schools being funded 50/50 as per Band A, Community Schools would now be funded 65% Welsh Government / 35% Local Authority and Special Schools 75% Welsh Government / 25% Local Authority. This effectively changed the balance of the programme and required a review of how Denbighshire could seek to develop a programme to deliver the aspirations of the original Strategic Outline Programme.
- 4.8. During 2019 feasibility work was undertaken on nearly 20 schools which form part of the identified review areas around Denbigh, Rhyl and Llangollen and this work assessed the likely trends regarding pupil demands. This enabled a revised programme to emerge and the costs of these projects were likely to exceed the allocated programme envelope of £80m approved in November 2017 and the Welsh Government contribution of £45m. This position had been complicated further via the implication for the changes to the funding split. This balance reduced the potential split for Denbighshire from £32m to a figure which closer to £21m. Based on this a paper was submitted to Cabinet in December 2019 seeking approval for a revised approach to delivering the Programme based on the agreed priority areas from 2017. This would require an additional contribution of £14.7 from the Welsh Government.
- 4.9. The view from the Welsh Government was that at this initial stage of the Programme they were not in a position to amend their allocation of resources. This required Denbighshire to amend its approach as to how it would deliver the agreed priority areas. A paper proposing a phased approach was considered by Cabinet on the 22nd September.

5. How does the decision contribute to the Corporate Priorities?

- 5.1. The overall proposals for 21st Century Schools will assist the Council meet the priority for Young People that Denbighshire is a place where young people will want to live and work and have the skills to do. In particular this will see Denbighshire continue to modernise schools via the 21st Century Schools Programme and if we are successful we expect to see modern school facilities that further enhance pupils' learning.

6. What will it cost and how will it affect other services?

- 6.1. The anticipated costs to Denbighshire as part of the submission in July 2017 was £32m. Subsequent announcements from the Welsh Government regarding changes to the intervention effectively reduced Denbighshire's contribution.
- 6.2. The successful delivery of Band A was led by the Education team with support from colleagues across a number of service areas. A similar approach will be required for Band B.

7. What are the main conclusions of the Well-being Impact Assessment?

- 7.1. A Well-being Impact Assessment was produced as part of the original decision making regarding the approval of the Band B submission. As this report outlines the decision making process already undertaken a revised assessment has not been undertaken.

8. What consultations have been carried out with Scrutiny and others?

- 8.1. The report has been produced at the request of the Scrutiny Chairs and Vice-Chairs Group.

9. Chief Finance Officer Statement

Sub-heading (delete as needed)

- 9.1. Text here

10. What risks are there and is there anything we can do to reduce them?

- 10.1. This is a report for members to assess the information with no decisions / recommendations so there are no identified risks associated with the report.

11. Power to make the decision

- 11.1. Section 21 of the Local Government Act 2000 and Section 7 of the Council's Constitution outlines Scrutiny's powers in relation to considering matters which affect the Council's area or its inhabitants, policy development and review, along with monitoring performance and the delivery of policy objectives.