

Report to: Communities Scrutiny Committee

Date of Meeting: 16 November 2015

Lead Member: Lead Member for Education

Report Author: Scrutiny Co-ordinator

Title: Call-in of the Cabinet decision of 27 October 2015 relating to Ysgol Llanfair Dyffryn Clwyd and Ysgol Pentrecelyn

1. What is the report about?

To consider the Cabinet decision of 27 October 2015 to approve implementation of the proposal and the proposed modification to close Ysgol Llanfair D C 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.

2. What is the reason for making this report?

To seek scrutiny to consider the request that the Cabinet's decision in respect of Ysgol Llanfair D C and Ysgol Pentrecelyn be reviewed.

3. What are the Recommendations?

That the Committee considers the reasons given for requesting a review of the Cabinet's decision, and following consideration of the information provided determines either:

- 3.1 not to refer the decision back to Cabinet; or
- 3.2 to refer the matter back to Cabinet for reconsideration together with the evidence and basis for making the referral.

4. Report details.

- 4.1 At its meeting on 27 October 2015 Denbighshire's Cabinet made the following resolution:

“(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 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.”

- 4.2 The above decision was published on the Council’s website on 29 October 2015 and in accordance with the Council’s Call-In Procedure (Appendix 1) the decision was not implemented immediately enabling non-Cabinet members to call-in the decision for examination, if they felt it merited scrutiny. To ensure compliance with the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code the Council also published the decision to all stakeholders as defined in the Code. This notice was clear that *“this decision is subject to the call in procedures as set out in the Council’s constitution which allows decisions taken by Cabinet but yet to be implemented to be reviewed. Should a call in of the decision take place, all stakeholders would be informed.”* To facilitate a decision to be called-in five non-Cabinet members are required to sign a notice of call-in form.
- 4.3 A ‘Notice of Call-In’ form, signed by the required number of non-Cabinet councillors, was received on 4 November 2015. The signatories were Councillors Arwel Roberts, Meirick Lloyd Davies, Cefyn H Williams, E Alice Jones and Huw Owen Williams. The grounds for calling in the decision are shown in Appendix 2.
- 4.4 The Call-In Procedure Rules do stipulate that a call-in should be considered within 5 working dates of receipt of the call-in notice. However, this timescale may be extended with the agreement of the decision maker and the chair of the scrutiny committee. In this case both the decision maker and the chair of scrutiny agreed to an extension.
- 4.5 As Cabinet’s decision of 27 October 2015 relates to the Council’s education provision the Authority’s statutory education co-opted members on scrutiny are permitted to participate fully in the consideration of this matter, as full voting members of the Committee.
- 4.6 A link to the report and appendices considered by Cabinet at its meeting on 27 October has been circulated to all committee members. They can also be viewed on the Council’s website by following the link below:
<https://modern.gov.denbighshire.gov.uk/ieListDocuments.aspx?CId=281&MId=5146&LLL=0>

4.7 Based on the information presented to them members are asked to determine, whether the Committee believes that Cabinet should review its original decision, and if so on what grounds.

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

See relevant section in the report to Cabinet dated 27 October 2015.

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

See relevant section in the report to Cabinet dated 27 October 2015.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

See relevant section in the report to Cabinet dated 27 October 2015.

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

See relevant section and appendices to the report to Cabinet dated 27 October 2015.

9. Chief Finance Officer Statement

See relevant section in the report to Cabinet dated 27 October 2015.

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

See relevant section in the report to Cabinet dated 27 October 2015.

11. Power to make the Decision

Section 21, Local Government Act 2000
Article 6.3.2(ch) of the Council's Constitution

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