

Report To:	Cabinet
Date of Meeting:	16 th of February 2016
Lead Member / Officer:	Councillor Eryl Williams
Report Author:	Nicola Stubbins, Corporate Director: Communities
Title:	Proposal to close Ysgol Llanbedr DC as of 31st August 2016 with existing pupils transferring to Ysgol Borthyn, Ruthin subject to parental preference

1. What is the report about?

- 1.1. This report is to advise Cabinet of the process required to be followed as a conclusion of the Statutory Notice period in respect of the following proposal;

“Proposal to close Ysgol Llanbedr DC as of the 31st August 2016 with existing pupils transferring to Ysgol Borthyn, Ruthin subject to parental preference”

2. What is the reason for making this report?

- 2.1. Following the conclusion of the Statutory Notice period a decision is required by Cabinet whether to proceed to implement the proposal as above.

3. What are the Recommendations?

- 3.1. The recommendations to Cabinet are;
- (i) To consider the findings of the objection report;
 - (ii) Subject to consideration of the above, to approve implementation of the proposal to close Ysgol Llanbedr as of the 31st of August 2016 with existing pupils transferring to Ysgol Borthyn, Ruthin subject to parental preference.

4. Report details

- 4.1. The Council published a statutory notice on 10th November 2015. The 28 day statutory period came to an end on the 7th December 2015.
- 4.2. The statutory notice was published in line with the requirements of the School Organisation Code (School Standards and Organisation {Wales} Act 2013). The notice was published on Denbighshire County Council’s website and posted at the main entrances of both Ysgol Llanbedr DC and Ysgol Borthyn as the schools subject to the proposal. Each school also received hard copies of the notice (bilingual) to distribute to pupils, parents, carers and guardians, staff members and governors. The schools may also distribute the notice via email.

- 4.3. On the day of publication the statutory consultees listed in the objection report received either a hard copy of the notice or were emailed a link to the Denbighshire County Council website.
- 4.4. A total of **964** objections were received during the statutory notice period. 122 submissions were either letters or emails, a further 719 submissions were template objections and a further 123 were duplicate submissions. The objection report sets out the objections received by type and objector, as follows;
- Appendix One: The Church in Wales Diocese of St. Asaph
 - Appendix Two: The Governing Body of Ysgol Llanbedr DC
 - Appendix Three: Letters and Emails
 - Appendix Four: Template Submissions

Process

- 4.5. In determining proposals the School Organisation Code states that decision makers;
- Must consider whether there are any other related proposals;
 - Must ensure that the statutory consultation has been conducted in accordance with this Code [School Organisation Code Link](#)
 - Must ensure that the proposal has been published in accordance with this Code and the notice contains all the required information;
 - Must consider the consultation document and consultation report [Consultation Document and Formal Consultation Report](#)
 - Must consider the objections and the objection report and any responses to the notice supporting proposals.
- 4.6. Under section 54 of the School Standards and Organisation {Wales} Act 2013 where proposals have been approved or rejected by a local authority the following bodies may within 28 days refer the proposal to the Welsh Minister for consideration;
- Another local authority affected by the proposals;
 - The appropriate religious body for any school affected;
 - The governing body of a voluntary or foundation school subject to the proposals;
 - A trust holding property of a voluntary or foundation school subject to the proposals;
 - A further education institution affected by the proposals.
- 4.7. The School Organisation Code clearly states that “where a local authority’s proposals have received objections, and require determination under section 53 of the 2013 Act, the local authority must not approach the determination of these proposals with a closed mind. Objections must be conscientiously considered alongside the arguments in respect of the proposals and in the light of the factors set out in section 1.3 – 1.14 of this Code”.
- 4.8. In considering the proposal Cabinet should take into account the factors highlighted within the Code which include quality and standards in education, need for places

and the impact on accessibility of schools, resourcing of education and other financial implications as detailed in the School Organisation Code.

- 4.9. In addition, in accordance with the 2013 Act Cabinet are required to give full consideration to the objections received by the community to the proposal. The objections have been collated into an Objection Report which details the objections received and the response of the local authority to these concerns.

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

- 5.1. The proposal supports the priority of “Improving performance in education and the quality of our school buildings” and has been highlighted as a work stream as follows;

“We will continue to review school provision across the County to ensure that we provide the right number of school places, of the right type, in the right location.”

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

- 6.1. The proposal will not have an effect on other services within the organisation.
- 6.2. Should the recommendations be approved transport costs could increase.

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.

- 7.1. The EqIA undertaken in relation to the proposal highlights that Ysgol Llanbedr DC is a Church in Wales primary school. Should the proposal be implemented this provision would cease in the Llanbedr DC area.
- 7.2. The proposed receiving school, Ysgol Borthyn, is a school of the same faith designation which would allow existing pupils of Ysgol Llanbedr to continue to access faith based provision of the same designation and language medium (English medium). Further faith based provision is available within the Ruthin area.

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

Full consultation has been undertaken with all stakeholders and the findings from the Formal Consultation period were presented to Cabinet on 27th October 2015. Objections submitted during the statutory notice period are summarised in the objection report.

9. Chief Finance Officer Statement

The rejection of the initial proposal by the Minister has resulted in a pressure that is being funded within existing resources for 2015/16. A permanent solution may be required depending on Cabinet’s consideration of the outcome of the Statutory Notice period. The additional transport costs have been taken into account as part of the overall calculation of savings.

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

There is a strong possibility that the proposal could result in adverse publicity for the Council and in adverse public comments. To minimise this risk the Council will seek to ensure clear communication with all stakeholders.

11. Power to make the Decision

School Standards and Organisations (Wales) Act 2013
Modernising Education Policy Framework (approved by Cabinet January 2009)