

PARTNERSHIPS SCRUTINY COMMITTEE

Minutes of a meeting of the Partnerships Scrutiny Committee held in Council Chamber, County Hall, Ruthin and by Video Conference on Thursday, 16 May 2024 at 10.00 am.

PRESENT

Councillors Joan Butterfield (Chair), Kelly Clewett, Pauline Edwards (Vice-Chair), Bobby Feeley, Terry Mendies, Raj Metri, Arwel Roberts and Elfed Williams

Education Co-opted members for business item 6: Colette Owen and Neil Roberts

ALSO PRESENT

Councillor Gill German, Councillor Jon Harland, Councillor Merfyn Parry and Councillor Mark Young

Observer: Councillor Jon Harland

Corporate Director – Social Services and Education (NS), Corporate Director - Governance and Business (GW), Head of Education (GD), Head of Finance and Audit (ET), Development Manager, Planning and Public Protection (PM), Principal Manager – School Support (JC), Principal Planning Officer (LG), Traffic, Parking and Road Safety Manager (MJ), Scrutiny Co-ordinators (RhE & KE) and Committee Administrator – Webcaster (RhT-J).

1 APOLOGIES

Apologies for absence were received from Councillors Jeanette Chamberlain-Jones, Brian Jones and David Williams.

The Committee requested that its best wishes for a full and speedy recovery be conveyed to Councillor Williams who had recently undergone surgery.

2 DECLARATION OF INTERESTS

Councillor Arwel Roberts declared a personal interest in business item 6 as a Local Education Authority (LEA) Governor at Ysgol y Castell, Rhuddlan.

3 APPOINTMENT OF VICE-CHAIR

As the Chair was unable to attend the meeting in person at County Hall she had requested that the Vice-Chair upon election chair the meeting. Therefore, the Scrutiny Co-ordinator sought nominations for the post of Committee Vice-Chair for the 2024/25 municipal year.

Councillor Bobby Feeley nominated Councillor Pauline Edwards for the position of Committee Vice-Chair. Councillor Edwards' nomination for the role was seconded by Councillor Elfed Williams. No other nominations were received and the Committee:

Resolved: that Councillor Pauline Edwards be elected as Vice-Chair of Partnerships Scrutiny Committee for the 2024/25 municipal year.

Following her election Councillor Edwards thanked members for their continued support prior to assuming the chair for the remainder of the meeting in accordance with the Chair's request.

4 URGENT MATTERS AS AGREED BY THE CHAIR

No matters of an urgent nature had been drawn to the attention of the Chair prior to the commencement of the meeting.

5 MINUTES OF THE LAST MEETING

The minutes of the Partnerships Scrutiny Committee meeting held on 21 March 2024 were submitted. The Committee:

Resolved: that the minutes of the meeting held on 21 March 2024 be received and approved as a true and correct record of the proceedings.

Matters arising: page 12, 'North Denbighshire Community Hospital Project' – Committee members were advised that a copy of the Chair's letter to the newly appointed First Minister in respect of this project, along with the Minister for Health and Social Care's letter of response, had been circulated to Committee members for information as part of the 'Information Brief' document earlier in the week. The Corporate Director: Social Services and Education updated the Committee advising members that the business case for the project had been accepted by the Betsi Cadwaladr University Health Board (BCUHB) at its meeting in March 2024 and had subsequently been submitted to Welsh Government (WG). The Director undertook, in conjunction with Health Board representatives, to continue updating the Committee on the business case's progress as things developed.

6 REVIEW OF CABINET DECISION RELATING TO SUSTAINABLE COMMUNITIES FOR LEARNING - ROLLING PROGRAMME

Prior to the commencement of this business item the Chair welcomed the Lead Member for Education, Children and Families; Corporate Director: Social Services and Education; Head of Education; Principal Manager: School Support along with a number of other officers from various Council services to the meeting for the

discussion on the Cabinet decision called-in for review under the Council's Call-in Procedure Rules. She also welcomed the lead signatory to the 'Notice of Call-in' and his co-signatories to the meeting to present their case.

The Scrutiny Co-ordinator introduced the report and appendices (previously circulated) which outlined the Cabinet decision called-in for review, the reasons given for seeking a review of the decision and the process that would be followed at the meeting. She also advised that as the decision called-in for review related to statutory education provision in the county the Education Co-opted Members on the Council's Scrutiny Committees were in attendance and were members of the Committee with full voting rights for this particular business item.

Prior to the commencement of the discussion the Committee was advised by the Monitoring Officer of the importance of focussing on the decision taken by Cabinet on 23 April 2024, relating to the draft Strategic Outline Programme (SOP) for the 'Sustainable Communities for Learning – Rolling Programme', which was the subject of the Notice of Call-in and not on any past or potential future decisions which may be taken in relation to proposed programme.

Councillor Mark Young, as the lead signatory to the Notice of Call-in, introduced and summarised the call-in request on behalf of himself and his co-signatories, explaining that the rationale for calling-in the decision was based on the need for good governance, evidence based decision-making, along with extensive and effective consultation with all stakeholders in relation to the 'disposal' of a green-space playing field in accordance with Regulations and Guidance referred to in the 'Notice of Call-In of Decision' submitted. During his introduction Councillor Young referred to the need to consult with bodies such as Sport Wales, local schools in Denbigh, local elected members, local community, and sports organisations, which both he and his co-signatories felt had not been widely consulted with in relation to the 'disposal/change of use' of the playing field in order to accommodate the new building for Ysgol Plas Brondyffryn. The signatories were firmly of the view that under the Council's Local Development Plan (LDP) sports fields were protected from development unless they were designated as surplus to requirement. Co-signatories Councillors Merfyn Parry, Pauline Edwards and Elfed Williams outlined their reasons for consenting to the calling-in of the decision stating that an assessment should be undertaken on the availability of green space provision in Denbigh and made available to local members and residents. Provision of an assessment of all known risks associated with the proposals along with evidence of the extensive consultation undertaken with all stakeholders should also have been made available. Councillor Geraint Lloyd-Williams was not in attendance to present his reasons for agreeing to be a signatory to the 'Notice of Call-In'.

Responding to the points raised in calling-in the decision the Lead Member advised that the Monitoring Officer was of the view that the issues of affordability, loss, and

reinstatement/replacement of playing fields would be issues to be addressed as part of developing the full business case for the project prior to submission to the Capital Scrutiny Group (CSG) for consideration. The playing fields element would feature as part of the planning application process. None of these factors had any bearing on the Cabinet decision of 23 April 2024. That decision related to the SOP which outlined the Council's proposed programme of projects to submit to Welsh Government (WG) with a view to bidding for investment available under the WG's 'Sustainable Communities for Learning' Programme (formerly known as 21st Century Schools Programme) to improve and enhance educational facilities in the county over the forthcoming years. The 'Sustainable Communities for Learning' Programme' was a nine-year investment programme available to local authorities to apply for funding to improve and enhance their schools' estate.

The Monitoring Officer advised that the 'Notice of Call-in' referred to legislation and statutory guidance that were applicable in Wales. However, under the law, neither of these were relevant to the decision called-in for review, as the term 'disposal' was defined in law as 'the grant of estate or an interest in land' i.e., sale. The statutory guidance document provided various examples of where the guidance was applicable, all of which related to the sale of playing fields. The decision called-in for review did not contain proposals to sell any of the land which had been earmarked for the development of Ysgol Plas Brondyffryn, which the signatories to the call-in confirmed was the playing fields referred to in their 'Notice of Call-in'. This land was currently in the ownership of the Council and would remain so under the proposed programme of investment contained in the SOP.

The Lead Member advised the Committee that the WG had changed its approach to future capital investment in school estates in Wales from the five-year investment bands under the 21st Century Schools Programme to a more flexible nine-year investment programme, divided into three blocks of three-years each, under the 'Sustainable Communities for Learning - Rolling Programme'. As a result of this change in approach WG had asked local authorities to identify projects which were essentially ready for business cases to be progressed within the next three years, those currently under development and likely to be undergoing statutory consultation in the second three-year block, along with projects which were likely to be in the pipeline during the final three-year block, for inclusion in a SOP for submission to WG to bid for funding under the Programme. The decision taken by Cabinet on 23 April related to submitting a bid to WG for funding under the Sustainable Communities for Learning Programme to further develop these projects with a view to delivering them in due course. Business cases, planning permission etc. would follow at a later stage. In compiling the SOP the Council had reviewed all 21st Century Schools Band B projects, developed and agreed by the previous administration, which had been impacted by various delays and recommended their inclusion in the SOP for the new Sustainable Communities for Learning Programme. In addition, it had included the project for Ysgol y Castell, Rhuddlan

with the former Band B projects for delivery under the new Programme. The Lead Member gave an overview of each Band B school's current position in relation to the Royal Institute of British Architects (RIBA) design and development stages. Reference was included in the Cabinet report (Annex B to the report to the Committee) to other projects which may require investment in later years, subject to the availability of funding.

A proposed £60m investment programme in the county's school estate portfolio was welcomed by the Council's Head of Education, particularly given the austere financial times within which public services were currently operating.

Responding to the points raised by the signatories to the call-in both the Head of Education and the Principal Manager – School Support confirmed that:

- Sport Wales had been consulted on the proposals prior, during and following the pre-planning stage and they continued to regularly correspond with the Council on the matter of the proposed new site for Ysgol Plas Brondyffryn, as did Denbighshire Leisure Limited (DLL) and third-party clubs/organisations which currently utilised the land and facilities
- all these stakeholders were in continual two-way dialogue with the Council with regards to the proposals
- the pre-planning consultation events during September and October 2022 had attracted a high number and diverse range of consultees, which included residents, community groups etc. including Denbigh Town Football Club and the local running club both of whom continued to be in positive dialogue with the Council in relation to their future facilities, which would be of a superior quality to what they had at present. A second pre-planning consultation was currently being planned with a view to communicating to all stakeholders the amendments to the plans resulting from the initial pre-planning consultation and to provide an opportunity for all to submit further comments on the proposed scheme. This second pre-planning consultation would be undertaken over a four-week period.
- the local Member Area Group (MAG) had been involved in discussions on these projects at least ten times since 2020
- the team involved with the work in compiling, developing, and consulting with stakeholders was far wider than just the Education Service. It included officers from the Planning Service, Highways and Environmental Services, Safer Routes to Schools etc. A 'One Council' approach had been adopted in order to support the delivery of the projects in the SOP
- the Council when proposing the development of a new school or re-organising its education provision was required to undertake a statutory consultation process, which entailed engaging with a large number of statutory consultees.

The Monitoring Officer advised the Committee that Cabinet in September 2023, when approving the preferred site for Ysgol Plas Brondyffryn, explicitly stated “that the planning application must clearly demonstrate that the loss of recreational space through the development on the school playing field will be replaced by alternative outdoor provision which would be of equivalent or greater community benefit”.

In response to questions raised by Committee members and non-Committee members, the Lead Member, Corporate Directors, and officers from various Council Services advised that:

- the report submitted to Cabinet on 23 April 2024 outlined the Council’s high level strategic vision for capital investment in its schools’ estate. The financial details and risks identified for each individual project would be contained in the business cases that would be presented to the CSG prior to submission to Cabinet for approval. Each one of these business cases could be examined by scrutiny at the pre-decision stage or called-in for scrutiny following approval by Cabinet under the Council’s Call-In Procedure Rules
- the processes followed for submitting the SOP and later individual business cases for these types of projects were quite prescriptive and set out by the WG. The Authority was therefore required to adhere with the process if it wished to bid for government funding to deliver the projects
- whilst the athletics field was protected from development under policy BSC 11 within the current LDP, that protection only extended insofar as development could be permitted through the planning process if the Authority could demonstrate that it could provide alternative provision for recreational/sports purposes which was of at least as good or of an enhanced quality
- that whilst DLL had raised questions in relation to the proposed new site for Ysgol Plas Brondyffryn it had never indicated that it opposed the proposals. The land on which the proposed school facility would be built was owned by the Education Service. This was separate to the land that was currently leased by the Council to DLL for use by the leisure centre, parking, and as an astroturf facility only. The land earmarked for the new school if it proceeded did not form part of the lease agreement. The Council and DLL worked closely together to manage and maintain the site.
- details of the pre-planning consultations and needs assessment already undertaken were already in the public domain and assurances were given that details of future consultation exercises would also be communicated to the public, with the results and comments fed into the planning application process in due course
- planning considerations did not form any part of the Cabinet decision called-in for review. However, specialist legal advice on planning matters relating to the playing field site had already been shared with local elected members

- officers from the Education and Planning Services were currently working closely together to develop alternative green space proposals, and in conjunction with Denbigh Town Football Club and the Athletics Club they were attempting to design alternative, better quality provision for the future which would also make the facilities available for public use for greater periods of time than they were at present
- delivery of none of the projects listed in the SOP could be guaranteed one hundred per cent as they required to progress through various stages of business case development before they could be realised. However, the SOP represented the Council's vision, based on work undertaken to date, on what it wanted and wished to see delivered within the nine-year timeframe, subject to the required permissions being granted via the relevant decision-making processes

Councillor Arwel Roberts declared a personal interest in his capacity as a local education authority (LEA) governor at Ysgol y Castell, Rhuddlan and thanked the Lead Member and officers for including the Ysgol y Castell scheme within the SOP. In his view the Lead Member and officers had demonstrated that they had, and were continuing, to extensively consult on the proposals that affected the Denbigh area.

Councillor Kelly Clewett was of the view that the arguments put forward during the meeting were not relevant to the decision taken by Cabinet on 23 April, as a number of them related to potential future decisions, not the one called-in for scrutiny at the current meeting. She was therefore confident that the decision taken by Cabinet on the SOP was the correct decision. Nevertheless, she emphasised the need for the Council to continue to effectively consult with the wider community as the projects progressed.

Councillor Elfed Williams requested that copies of the consultation timetable to date and the reports produced following the various consultations which had already taken place be circulated to county councillors.

Prior to drawing the discussion to a close both sides were given an opportunity to summarise their viewpoints.

At the conclusion of a comprehensive discussion Councillor Elfed Williams proposed that the Committee refer the decision back to Cabinet with a recommendation that Cabinet when reconsidering its decision should be content that the full consultation process had followed the Welsh Government guidelines on removing a well-used sports field out of use and that Cabinet also be requested to re-assess the needs and well-being assessment on available green space/open space areas in Denbigh to ensure that they matched the Council's own expectations as stated in its Local Development Plan (LDP).

Councillor Williams' proposal was seconded by Councillor Bobby Feeley.

On being put to the vote the proposal was defeated and therefore the Committee:

Resolved: that Cabinet's decision of 23 April 2024 relating to the 'Sustainable Communities for Learning – Rolling Programme' be upheld.

BREAK 11.50am until 11.55am

7 SCRUTINY WORK PROGRAMME

The Scrutiny Co-ordinator introduced the report and appendices (previously circulated) which sought members to review the Committee's forward work programme and provided an update on Scrutiny related matters.

Members' attention was drawn the Committee's forward work programme attached at Appendix 1 to the report. Its next meeting, scheduled for 4 July, had three substantial business items listed to date. Attached at Appendix 2 was a copy of the 'member proposal form' which members were encouraged to complete if they felt a matter or topic merited being scrutinised. They were reminded that the Scrutiny Chairs and Vice-Chairs Group (SCVCG) would be meeting on 20 May to consider any scrutiny requests received. Appendix 3 set out the Cabinet's forward work programme for members' information and help them identify any matters they may wish to request be presented to Scrutiny for pre-decision scrutiny. Appendix 4 summarised the progress made in relation to the Committee's recommendations at its previous meeting.

Councillor Elfed Williams suggested that Scrutiny may wish to examine the consultation undertaken with the schools referred to under the earlier business item. Councillor Williams was advised to complete a 'member proposal form' (attached at Appendix 2) outlining the aspects he wished Scrutiny to examine in detail, the anticipated outcomes of the scrutiny process and then submit the completed form to either of the Scrutiny Co-ordinators who would present the request to the SCVCG for consideration. Councillor Arwel Roberts enquired whether the green space element of the consultation undertaken on the proposals relating to the Sustainable Communities for Learning item discussed earlier had been made widely available and whether that element required to be scrutinised. The Scrutiny Co-ordinator advised Councillors Roberts and Williams to liaise with one another with respect of submitting a member proposal form on this specific topic.

Responding to an enquiry from Councillor Roberts on whether sufficient numbers of scrutiny requests were being submitted to the SCVCG for consideration to enable scrutiny forward work programmes to filled, the Scrutiny Co-ordinator advised that

eight requests had been received for the Group's consideration at its meeting the following week. In addition, the SCVCG would be considering Scrutiny's role in the budget setting process and monitoring the delivery of the Medium-Term Financial Strategy & Plan, as well as Scrutiny's future involvement the Council's Transformation Programme, at that meeting. Dependent upon the outcome of those discussions all scrutiny committee forward work programmes may well be more evenly populated in future. Proposed scrutiny arrangements for the North Wales Corporate Joint Committee (CJC) were also due to be discussed at the forthcoming meeting of the SCVCG. Whilst there were proposals for the North Wales Economic Ambition Board (NWEAB) to eventually form part of the CJC, no date had yet been agreed for this to take place. Therefore, until those arrangements were in place and standalone scrutiny arrangements had been agreed for the CJC, Partnerships Scrutiny Committee would continue to be Denbighshire's designated scrutiny committee for scrutinising the NWEAB.

At the conclusion of the discussion, it was:

Resolved: to confirm the Committee's forward work programme as set out in Appendix 1 to the report.

8 FEEDBACK FROM COMMITTEE REPRESENTATIVES

Bwthyn y Ddôl Sub Regional Children's Assessment Unit: Councillor Bobby Feeley, Scrutiny's representative on the Project Board for this specialist unit, reported that the new state of the art facility for this Assessment Unit was nearing completion. The Corporate Director: Social Services and Education confirmed that once the facility was ready for use an official launch would be arranged and a newsletter would be circulated to all members.

The Committee:

Resolved: to receive the information provided.

The meeting concluded at 12.10pm