

THE EXECUTIVE

Minutes of the extraordinary meeting held on 7 March, 2019

- PRESENT:** Councillor Llinos Medi Huws (Chair)
- Councillors Richard Dew, Carwyn Jones (*as a Local Member only for item 2*), R. Meirion Jones, Alun Mummery, R.G. Parry, OBE, FRAgS, Dafydd Rhys Thomas, Robin Williams.
- IN ATTENDANCE:** Chief Executive
Assistant Chief Executive (Partnerships, Community and Service Improvement)
Head of Function (Resources) & Section 151 Officer
Head of Learning
Programme, Business Planning and Performance Manager (GM)
Programme Manager (Corporate Transformation) (EB)
Programme Manager (Corporate Transformation) (CS)
Solicitor (Social Care and Education) (SW)
Committee Officer (ATH)
- APOLOGIES:** Councillor Ieuan Williams
- ALSO PRESENT:** Councillors Lewis Davies, John Griffith, Richard Griffiths, G.O. Jones, Dylan Rees, Alun Roberts, Dafydd Roberts, Nicola Roberts.
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1. DECLARATION OF INTEREST

Councillor Carwyn Jones declared a personal and prejudicial interest with regard to item 2 on the agenda due to his cousin's employment in Ysgol Beaumaris and the employment of his mother and wife in Ysgol Llandegfan. Councillor Jones said that he had been granted dispensation by the Standards Committee on 18 July, 2017 to present the local viewpoint throughout the process.

Councillor Alun Roberts (not a member of the Executive) declared a personal interest with regard to item 2 on the agenda as a member of the Governing Body of Ysgol Beaumaris.

2. SCHOOLS' MODERNISATION – REPORT FOLLOWING PUBLICATION OF STATUTORY NOTICE FOR CLOSING YSGOL GYNRADD BEAUMARIS, EXTENDING AND REFURBISHING YSGOL LLANDEGFAN AND YSGOL LLANGOED AND APPROVAL OF THE ORIGINAL PROPOSAL

The report of the Head of Learning incorporating an objection report (Appendix 1) following the publication of a Statutory Notice of the Authority's intention to close Ysgol Beaumaris, extend and refurbish Ysgol Llandegfan and refurbish Ysgol Llangoed, was presented for the Executive's consideration.

The Portfolio Member for Education, Libraries, Culture and Youth reported that in order to comply with the requirements of the School Standards and Organisation (Wales) Act 2013, the Authority issued a Statutory Notice of its intention to close Ysgol Beaumaris, to extend

and refurbish Ysgol Llandegfan and to refurbish Ysgol Llangoed. The Statutory Notice was issued on 14 January, 2019 following which there was a 28-day period in which to lodge objections to the proposal. Appendix 1 to the report provides a summary of the 50 objections that were received together with the Authority's response to each objection. The way in which the Council deals with objections to a statutory notice is in line with the procedure set out in the Schools' Organisation Code 2013 which requires the Executive to then decide whether the proposals should be approved, rejected or approved with adaptations. A statutory notice of the Authority's intention to implement the proposal was originally issued on 22 November, 2018 meaning that the 28-day objection period closed on 27 December, 2018 which coincided with the school holidays. To provide stakeholders with additional time in which to respond, a further statutory notice was issued on 14 January, 2019 with the objection period ending on 10 February, 2019.

The Portfolio Member said that the process of modernising the primary education provision in the Seiriol area began in June, 2017 with a non-statutory consultation after which a statutory consultation process was held. On 26 March, 2018 the Executive decided to delay a decision in order to undertake a new statutory consultation on the proposals for primary education in the area. The Portfolio Member said that today's meeting where the Executive must reaffirm, reject or amend the proposals which it approved on 18 July, 2018 whereby Ysgol Llandegfan would be extended and refurbished, Ysgol Beaumaris closed and Ysgol Llangoed refurbished therefore represents the culmination of a long process in which careful consideration has been given to the future of primary education provision in the Seiriol area, which has entailed extensive consultations along the way and which has also been paused in order to re-undertake consultation.

The Head of Learning referred to the objections set out in Appendix 1 to the report which could be summarised under the following themes –

- On the grounds of process including the conduct of the consultations and the issuing of the statutory notice.
- On the basis of the proposal's potential effects on the town of Beaumaris, and on its demography.
- Based on disagreement with the preferred option.
- On the basis that insufficient consideration has been given to alternative options.
- On the grounds that the proposals could lead to parents choosing to send their children to schools on the mainland.
- On the grounds that insufficient consideration has been given to the Well-being of Future Generations Act 2015
- On the basis that no post-decision stakeholder group has been established nor discussions held with the Little Puffins or Ti a Fi which formed part of the Executive's decision in July, 2018.
- On the basis of traffic and travel considerations.
- On the basis of the accuracy of data specifically the figure presented for maintenance backlog costs.

The Officer said that the Authority's response to each of the objections listed in the Objection Report sets out the basis of the Authority's actions with regard to each of the points raised. The Officer said that with some matters e.g. post-decision discussions with stakeholders i.e. Little Puffins and Ti a Fi, the Authority has considered it appropriate to wait until after the objection period to initiate such discussions. Likewise, with regards to travel and traffic considerations, the development of transport plans beforehand could have been seen as prejudging a decision on education provision in the area. A Traffic Impact Assessment will be carried out to address traffic and travel issues.

The Portfolio Member for Education, Libraries, Culture and Youth highlighted an e-mail which had been circulated to most of the Executive's members by Beaumaris Town Council the previous afternoon in which a number of points are raised. The contents of the e-mail which cannot be considered as part of the formal objections as they were presented after the expiry of the objection period, replicate the themes of the objections in the formal Objection Report. However, the Portfolio Member specifically referred to the objection raised at point 12 of the Objection report as a technical point which refers to the Scrutiny Committees of 2 October, 2017, 12 March, 2018, 13 July, 2018 and 2 August, 2018 as not being correctly constituted. This point is also raised in the e-mail from Beaumaris Town Council which refers to the Scrutiny Committee as having operated "ultra vires" or beyond its legal authority.

The Solicitor (Social Care and Education) clarified that "ultra vires" means "acting beyond their powers". It is the Scrutiny Committee's function as set out in the Council's Constitution to review, scrutinise and to make recommendations to the Council and/or Executive – it is not within its powers or scope to make a decision; with regard to schools' modernisation that is the function of the Executive. In this case therefore, as the Scrutiny Committee does not have any decision making powers conferred on it, it does not come within the definition of "ultra vires". The Executive is the decision-making body on school organisation matters and the constitution of the Executive is not under challenge.

The Chief Executive further confirmed that the Authority is in the process of addressing the point raised with regard to the composition of the Corporate Scrutiny Committee.

Councillors Alun Roberts, Lewis Davies and Carwyn Jones addressed the Executive in their capacity as Local Members. They reiterated their objections to the decision to close Ysgol Beaumaris as they had expressed previously in the process, believing it to be detrimental to the town and community of Beaumaris and to its future growth and prosperity as well as being the wrong solution for primary education provision in the Seiriol area. In asking the Executive to re-consider in favour of exploring in more depth the alternative options to closing Ysgol Beaumaris the Local Members made the following points -

- That the preferred option does not represent the best solution for all the children in the Seiriol area and lacks vision. Better to pause and to reconsider based on coming to a better understanding of what parents want taking into account all the factors. There are too many questions that remain unanswered - *this point is addressed at paragraph 37 of the Objection Report.*
- Neither is the preferred option a creative answer to reorganising primary education in the area ignoring as it does the opportunity to adopt a more innovative solution for example, a model based on combining the primary school and extra care facility on the same site which has parental and community support – *this point is addressed at paragraph 6 of the Objection report.*
- That the concerns raised by stakeholders have not been adequately addressed specifically the effects which closing Ysgol Beaumaris will have on Beaumaris in terms of diminishing the town's prospects as a vibrant, viable and resilient community of the future – *this point is addressed at paragraph 11 of the Objection report which confirms that the Well-being of Future Generations Act was considered as part of the statutory consultation.*
- That the improperly constituted Scrutiny Committee which met on four occasions to discuss the matter has had a negative effect on the whole consultation process – *this point is addressed at paragraph 12 of the Objection report and is confirmed by the Solicitor above that as the Scrutiny Committee does not have any decision-making powers, there are no implications in terms of the process.*
- That the cost of maintaining the empty Ysgol Beaumaris school building as a listed building would be greater than keeping the building open as a functioning school -

the Head of Function (Resources)/Section 151 Officer said that the budget for Ysgol Beaumaris is around £250k; some of the costs after closure e.g. teacher costs will transfer to wherever the pupils re-locate. The budget for Ysgol Beaumaris minus teachers and pupils is £70k of which in the region of £61k are building related costs covering energy, rates, cleaning, and maintenance. Closing the school would therefore reduce the budget need by around £70k which is higher than the cost of letting the building lie empty. The cost of the latter after security costs, is low, and is less than the £70k saved by closing the school.

- That not all the objections presented have been listed in the Objection Report which did include a petition against the proposed closure as well as additional letters of objection – *the Programme, Business Planning and Performance Manager said that the petition was dated historically and the matters raised therein have been addressed during the course of the process as a whole. The Officer clarified that in terms of the objections submitted it is the expectation of the Schools' Organisation Code 2013 that the Authority provides a summary of the those objections – the 50 objections listed in the report are representative of the themes raised by the objections in their totality.*

In considering the report and the objections raised, the Executive noted the following –

- That the decision on modernising the primary education provision in the Seiriol area has been close on two years in the making. In that time there has been a non-statutory consultation, two statutory consultations, a total of 9 public meetings in the Seiriol ward between June, 2017 and June, 2018 as well as meetings of the Scrutiny Committee at which all the options and the stakeholder responses to them were aired, discussed, weighed, balanced and scored against other alternative courses including options put forward by stakeholders and the Governing Body of Ysgol Beaumaris. The Executive in March, 2018 did decide to pause the process in order to re-undertake a new statutory consultation on the proposals for primary education in the area. The objections presented do not raise any new substantive matters that have not already been considered in the consultation processes held; neither do they propose a new option.
- That it is therefore now timely to bring the matter to a conclusion and that the uncertainty which is created by prolonging decision-making is unsettling for all stakeholders and does not take matters forward. The preferred solution has been proposed after extensive consultation on a wide range of options taking into account the needs of the area and is deemed the best solution in the existing circumstances and in terms of meeting the objectives of the schools' modernisation programme. It will provide the Seiriol area with two primary schools that will be refurbished to Twenty-First century school standards.
- That the Schools' Modernisation Programme in seeking to change the long-standing pattern of primary education provision on Anglesey does inevitably involve making difficult decisions and that this is one such decision.
- That the Executive in October, 2108 reviewed and updated its Education Strategy reaffirming its vision for Anglesey's schools as effective and efficient establishments which provide an education that is among the best nationally. The Executive remains committed to ensuring that the schools that come out of the modernisation process are the correctly sized schools in the right locations which provide the best learning environment for all children to succeed to the best of their ability.

The Chief Executive said that the Schools' Modernisation Strategy on Anglesey has been discussed with the Estyn Inspectorate which has recognised the work of the Council in this respect. The Chief Executive said that he was keen that the strategy should continue to be

implemented in order to realise what is also the whole Council's vision which is to ensure that all the Island's children have equal opportunity to the best education possible regardless of where on the Island they attend school.

It was resolved -

- **To approve the original proposal, namely to refurbish and extend Ysgol Llandegfan, close Ysgol Beaumaris and refurbish Ysgol Llangoed.**
- **To authorise Officers to continue with the process of refurbishing and extending Ysgol Llandegfan, closing Ysgol Beaumaris and refurbishing Ysgol Llangoed.**

(Councillor Carwyn Jones did not take part in the voting on the matter)

3. SCHOOL MODERNISATION – OBJECTION REPORT: YSGOL Y GRAIG AND YSGOL TALWRN

The report of the Head of Learning incorporating an objection report (Appendix 1) following the publication of a Statutory Notice of the Authority's intention to increase the capacity of Ysgol y Graig to accommodate pupils from Ysgol Talwrn and to close Ysgol Talwrn was presented for the Executive's consideration.

The Portfolio Member for Education, Libraries, Culture and Youth reported that in order to comply with the requirements of the School Standards and Organisation (Wales) Act 2013, the Authority issued a Statutory Notice of its intention to increase the capacity of Ysgol y Graig to accommodate pupils from Ysgol Talwrn and to close Ysgol Talwrn. The Statutory Notice was issued on 14 January, 2019 following which there was a 28-day period in which to lodge objections to the proposal. Appendix 1 to the report provides a summary of the 23 objections that were received together with the Authority's response to each objection. The way in which the Council deals with objections to a statutory notice is in line with the procedure set out in the Schools Organisation Code 2013 which requires the Executive to then decide whether the proposals should be approved, rejected or approved with adaptations.

The Head of Learning referred to the objections set out in Appendix 1 to the report which could be summarised under the following themes –

- On the basis of school places stating that there will not be sufficient places at the proposed new school.
- On the basis that the number of pupils attending Ysgol Talwrn has increased since the consultation.
- On the basis of traffic and travel considerations.
- On the grounds of process including the conduct of the consultation, the impact assessments undertaken and the issuing of the statutory notice.
- On the grounds that standards at Ysgol Talwrn are good with the school having received a positive Estyn inspection report recently.
- On the grounds that the pupils' views were not taken into account as part of the consultation.
- On the grounds that the transition of children from a small rural school to a large town school will be difficult and will be a challenge for the children concerned.

The Officer said that the Authority's response to each of the objections listed in the Objection Report sets out the basis of the Authority's actions with regard to each of the points raised.

As in the previous case, a traffic and travel impact assessment will be undertaken following the objection phase and once a final decision is made.

In considering the report and the objections raised, the Executive noted the following –

- That although the number of pupils at Ysgol Talwrn has increased since the consultation, this coincides with a corresponding increase in the same period in the number of pupils attending the school from outside the catchment area as schools in Llangefni reach or exceed capacity. The number of out of catchment pupils registered at Ysgol Talwrn makes up a significant proportion of the total number of pupils at the school.
- That standards at Ysgol Talwrn are good and that it is the Executive's intention that those standards should be maintained within the education provision for this part of Llangefni.
- That the objection report raises no new issues that have not been considered during the consultation process.
- That it is timely that the modernisation process for this part of Llangefni should now be concluded having been of long duration since it originally commenced in December 2016.

It was resolved to approve the original proposal, namely to increase the capacity of Ysgol y Graig to accommodate pupils from Ysgol Talwrn and that Ysgol Talwrn be closed.

This to be done by –

- **Using the existing building for Key Stage 2 i.e. Years 3 to 6 and adapting it;**
- **Building a new Block for the Foundation Phase, namely Nursery, Reception, Years 1 and 2;**
- **Considering relocating the Flying Start provision within the Ysgol y Graig campus.**

The new block to be part of Ysgol y Graig and not a separate unit. The new arrangement to operate as one school and not as two separate units.

**Councillor Llinos Medi Huws
Chair**