

# CORPORATE SCRUTINY COMMITTEE

## Minutes of the Call-In meeting held on 2 August 2018

- PRESENT:** Councillor Aled Morris Jones (Chair)
- Councillors Lewis Davies, Richard Griffiths, Trefor Lloyd Hughes, MBE, Richard Owain Jones, Bryan Owen, Alun Roberts, Nicola Roberts
- Co-opted Member: Mr Keith Roberts (The Catholic Church)
- Call-In Request Signatories who are not members of the Committee**
- Councillors Eric Jones, Peter Rogers
- Portfolio Member**
- Councillor R. Meirion Jones, (Portfolio Member for Education, Libraries, Youth and Culture)
- IN ATTENDANCE:** Chief Executive  
Assistant Chief Executive (Partnerships, Community and Service Improvement)  
Head of Function (Resources) and Section 151 Officer  
Legal Services Manager  
Scrutiny Manager (AGD)  
Committee Officer (ATH)
- APOLOGIES:** Councillor Dylan Rees (Vice-Chair), Mrs Anest G. Frazer (The Church in Wales)
- ALSO PRESENT:** Councillors Llinos Medi Huws (Leader), R.G. Parry, OBE, FRAGS (Portfolio Member for Highways, Property and Waste), Richard Dew (Portfolio Member for Planning and Public Protection), Dafydd Rhys Thomas (Portfolio Member for Corporate Services), Ieuan Williams (Portfolio Member Service Transformation), Robin Williams (Portfolio Member for Finance), Councillor R. Llewelyn Jones, Head of Democratic Services
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### 1 DECLARATION OF INTEREST

Councillor Nicola Roberts declared a personal but not prejudicial interest with regard to item 3 on the agenda as a member of the Governing Body of Ysgol y Graig and the Governing Body of Ysgol Talwrn and also as the parent of a child who is a pupil at the Ysgol y Graig.

Councillor Richard Griffiths declared a personal but not prejudicial interest with regard to item 3 on the agenda as his prospective daughter in law is employed at Ysgol y Graig.

## **2 CALL-IN OF A DECISION - MODERNISATION OF SCHOOLS IN THE LLANGEFNI AREA (Y GRAIG AND TALWRN)**

A decision made by the Executive at its meeting held on 16 July, 2018 to increase the capacity of Ysgol y Graig to accommodate pupils from Ysgol Talwrn and to close Ysgol Talwrn was called in by Councillors Lewis Davies, Aled Morris Jones, Eric Wyn Jones, Bryan Owen and Peter Rogers. The Executive's decision, the call-in request and the report by the Assistant Chief Executive (Partnerships, Community and Service Improvement) to the meeting of the Executive on 16 July, 2018 on the modernisation of schools in the Llangefni area (Y Graig and Talwrn) were presented.

The Chair said that there would be no public speaking at this meeting of the Corporate Scrutiny Committee. He read out advice provided by the Head of Function (Council Business)/ Monitoring Officer in relation to the matter which confirmed that there is no legal constitutional right to public speaking at a scrutiny committee and that it is a matter for the Chair to determine when and if this is appropriate. The only requirement in connection with this discretion is that it be used fairly and consistently. The Officer further advises that in the circumstances, the Chair's intentions are a reasonable use of this discretion as this is a case of calling in a decision made by the Executive and is not part of the pre-decision process whereby the Scrutiny Committee collects evidence.

Councillor Lewis Davies, as the Lead Call-in Member explained the reasons for calling in the decision made by the Executive on 16 July, 2018 as set out in the call-in request form. These were as follows:

- Errors in the consultation.
- There has been ten years of uncertainty for the community of Talwrn which has created a disincentive for young people to move into the village.
- The community impact assessment is superficial and is not in keeping with section 1.7 of the current Schools' Organisation Code.
- No transport/road traffic review of the road between Talwrn and Llangefni has been produced. This road is hazardous for walking and cycling and, with increasing emphasis on the health benefits of walking and cycling it is essential that a safe route be provided and a traffic assessment conducted especially if children wish to walk or cycle from Talwrn to Ysgol y Graig in the event that Ysgol Talwrn closes. Additionally, Ysgol y Graig is overfull with there being serious parking issues around the school and in the vicinity. Extending the school and the use of it will exacerbate the problem.
- Inconsistencies in the modernisation process in relation to the treatment of areas with similar schools with less children and lower standards remaining open.
- Building new houses in the Cefni area which could lead to over subscription as has already happened with the existing Ysgol y Graig. In the JLDP, Llangefni is earmarked as a commercial and industrial hub with potential to expand in future. With a need for more housing, the town is likely to grow thereby putting pressure on the area's schools. There is a risk that history will repeat itself and that Ysgol y Graig will again become overfull. Better to retain rural schools to accommodate this overspill in future.

Councillor Lewis Davies said in addition that the Authority is failing to appreciate that there may be different solutions for different areas and that building huge characterless schools which not everybody wants to attend is not always the right answer. Councillor Davies concluded by referring to an article on research undertaken by scholars across Western Europe on the social disintegration of rural communities which cites the closure of schools as a prime factor in undermining rural communities.

Councillors Eric Jones, Peter Rogers and Bryan Owen spoke as signatories of the call-in request.

Councillor Eric Jones said that he did not support the approach favoured by Estyn of merging rural schools to create larger schools that are not needed. The arguments for closure in the consultation document have not been proved by the Council and much of what is contained in the document favours keeping Ysgol Talwrn open. It was his view that this is the best option in terms of offering value for money for the Council and ratepayers of Anglesey and as regards improving education standards. He said that with housing developments planned in and around Llangefni there is a danger that Ysgol y Graig will become overfull again thus repeating a mistake that has already been made once before.

Councillor Peter Rogers highlighted the potential impact of closing Ysgol Talwrn on the area's secondary school as regards loss of pupils which he believed was a factor that had been overlooked. He believed that as the closure of a school is a decision of magnitude, it should be considered by Full Council. He therefore urged the Committee to refer the matter to Full Council.

Councillor Bryan Owen clarified that he had signed the call in-request because he believed the stakeholders of Ysgol Talwrn had not had a fair hearing or answers to their questions; because it was unfair to ask parents to send their children from a happy community school to be swallowed up in a school of over 300; because the educational performance of Ysgol Talwrn is better than that of Ysgol Y Graig in the Foundation Phase and KS2 and because of the potential impact of the school's closure on the Welsh language given that rural communities and the schools within them are the bedrock of the language. Councillor Bryan Owen also referred to the backlog maintenance costs quoted for the two schools - for Ysgol Talwrn which is over a 100 years' old it is £82,500k or £597 for each year since it was built, and for Ysgol y Graig which is 9 years old it is £36,500 or £3,650 for each year. Closing Ysgol Talwrn does not therefore make economic sense. The case for closing a rural school has to be robust according to the draft revised School Organisation Code. Additionally, parental choice may mean that parents choose not to send their children to Ysgol y Graig. Councillor Bryan Owen was also of the view that this matter should be considered by the Full Council.

The Portfolio Member for Education, Libraries, Youth and Culture responded as follows –

- That no supporting evidence is provided to clarify in what way the consultation was erroneous.
- That the current Administration is committed to ending uncertainty around the future of schools and is prepared to take decisions in line with the Schools' Modernisation Programme which may be difficult and unpalatable, in order to establish the best and fairest possible primary education provision on the Island.
- That the Administration has sought to be consistent in the decisions it has made in relation to the modernisation of schools in every area where the programme has been implemented whilst seeking the best solution for each individual area.
- That consideration is given to approved and planned housing developments in each area where schools are under review including that part of Llangefni relating to Ysgol y Graig and Ysgol Talwrn.
- That a transport and traffic impact survey is only undertaken once a decision has been made – in this particular case the survey would involve a route safety assessment of the road from Talwrn to Llangefni.
- That Ysgol Talwrn is not included on the list of designated rural schools in the draft revised Schools' Organisation Code 2017 for the purpose of the presumption against closure.
- That the maintenance costs cited for Ysgol Talwrn above do not take into account the £250k required for a new mobile classroom.

- That it is acknowledged that parents may send their children to a school of their choice and that this is matter over which the Authority has no control. However, the Authority can try to provide an education provision that is fair and reasonable for the whole of the Island.

The Assistant Chief Executive (Partnerships, Community and Service Improvement reported as follows –

- That the Schools Modernisation Programme involves considering a range of options for each area with the Authority recognising that different areas require different solutions.
- That the consultation process was comprehensive and thorough with stakeholders' views gathered through a variety of means including drop-in sessions, online survey, letters, e-mail, and petitions. This was the third consultation held with consideration having been given to all the alternative suggestions put forward in this and the previous two consultations and their viability assessed and scored. The reasons why the alternative options were not deemed appropriate were set out in the consultation report and have been reported to the meeting of the Corporate Scrutiny Committee on the 5 July, 2018 and to the meeting of the Executive on the 16 July, 2018.
- That the Authority has acted in accordance with the current Schools' Organisation Code. The revised Schools' Organisation Code 2017 remains in draft form and is not expected to be implemented until the end of the year after approval by the Welsh Assembly and a subsequent period of consultation. Whilst the revised Code introduces a presumption against the closure of rural schools, it makes it clear that this does not mean that rural schools will never close, instead requiring that all alternatives to closure must be shown to have been considered. The revised Code also recognises that education must be the primary consideration and that this is linked to a Local authority's duty to seek to raise education standards.
- That the Schools Modernisation Programme on Anglesey was developed in 2012 in response to criticism by Estyn that the Authority was not moving sufficiently quickly with modernising its schools and reducing surplus places. Any uncertainty therefore has not been of 10 years' duration. It was noted in 2012 that further consultation on the future of Ysgol Talwrn would take place within 5 years and this is what has happened.
- That the Community Impact Assessment has been conducted in line with the Schools' Organisation Code 2013 and is thorough in its evaluation of the factors affecting the community. Similarly, the Authority has considered the impact in terms of the Welsh language. Estyn has confirmed that it is satisfied with the Community Impact Assessment and has made positive comments in relation to the effects on the Welsh language.
- That communities do not necessarily decline following the closure of a school e.g. the village of Rhosmeirch no longer has a school, but has thrived regardless.
- That the Authority has had regard of actual and planned housing developments in the area in projecting pupil numbers for the new extension to Ysgol y Graig using the Welsh Government formula. The JLDP refers to the building of 600 houses in the Llangefni area but for this particular part of Llangefni fewer houses are planned. Officers have taken planned developments into account including that linked to Coleg Menai (157 houses) and others (138 houses). The sum total of these has been multiplied with 0.17 which then gives the projected number of additional pupils – approximately 50. These have been factored into the calculations.
- A transport and traffic impact assessment will be undertaken after a decision has been made. This will include the traffic and parking situation in and around Ysgol y Graig as well as the route from Talwrn to Llangefni. Transport will be provided for pupils who travel to school along a route that following assessment, is considered hazardous. Opportunities for pupils to cycle and to walk are not confined to the journey to school and can be enjoyed out of school hours.

- That Ysgol y Graig is also a happy, successful, community primary school whose use of the Welsh language is a strength. The proposal put forward has been assessed as having a positive effect on the Welsh language.
- That the standards of education at Ysgol Talwrn are not better than those at Ysgol y Graig. The performance of Ysgol Talwrn in the Foundation Phase has placed it in the lower quartile for the past three years. Ysgol y Graig is more successful in attaining higher percentages for level 5+.

In response to a question by a member of the Committee, the Head of Function (Resources) explained the financial implications of the proposal to extend Ysgol y Graig as these had been set out in the financial appraisal in the consultation document. Councillor Lewis Davies requested that he be provided with an analysis in writing of the total borrowing to date under the Schools' Modernisation Programme, the interest costs and the implications both for the Authority and other hitherto unreviewed areas on the Island should Welsh Government withdraw its funding support for the programme.

Members of the Committee were given the opportunity to ask questions.

The Chief Executive made the following points –

- That the consultation process on proposals to reconfigure primary schools has been developed in line with the Schools' Organisation Code and is by now a well-established process having been applied in the consultations held with regard to the proposals to build the new Ynys Cybi, Rhyd y Llan and Santes Dwynwen schools. The process has been endorsed by Welsh Government. If it felt that there have been shortcomings in the process in this case, it would be helpful to be provided with evidence thereof.
- That likewise, the process for conducting a Community Impact Assessment is one that has been applied in previous consultations and complies with the requirements of the Schools' Organisation Code.
- That it is acknowledged that holding a consultation process on the future of specific schools can create feelings of uncertainty during the process.
- That although a Transport and Traffic Impact Assessment is not undertaken until after a decision has been made the financial appraisal of the proposal does contain a projected provision for additional transport costs.
- That with regard to any potential impacts on the Welsh Language, it is clearly stated that any arrangement developed as part of the modernisation programme will give priority to strengthening and protecting the Welsh language. Both Ysgol y Graig and Ysgol Talwrn perform well in relation to the Welsh Language and it is the opinion of Estyn that the language will not be weakened by the proposal.
- That although both Ysgol y Graig and Ysgol Talwrn are good schools educationally with Ysgol y Graig having the edge in terms of performance, both could still improve further, thereby creating a robust foundation for progress if they were to merge.
- That one of the driving factors of the Schools' Modernisation Programme is to ensure that the education system is fair to every pupil on the Island. Pupils in Ysgol Talwrn receive £475 per head more than pupils in Ysgol y Graig meaning that Ysgol Talwrn is in receipt of £22,325 of additional finance which is equivalent to a 0.5 teacher post. By not addressing this funding disparity, the Authority is perpetuating the inequality that exists within the education system which means that some pupils receive more per head at the expense of others. This is difficult to justify.

The Call-in signatories, the Portfolio Member and the Officers were then given an opportunity to summarise.

The Chair said that the Committee had three options in coming to a decision on the call-in, viz.

- To reject the call-in.

- To reject the Executive's decision and refer it back to the Executive with a recommendation that it be reconsidered and/or amended.
- To reject the Executive's decision and to refer the matter with a recommendation to the Full Council.

The Legal Services Manager advised that as the Executive's decision is not contrary to the Budget or Policy Framework nor inconsistent with the Budget, the Full Council has no power in the matter. The Council would therefore only convene to consider the matter and, if it objects to the decision, to refer it back with any comments to the Executive as the decision-making body.

Councillor Bryan Owen proposed and was seconded, that the matter be referred to Full Council.

Councillor Richard Owain Jones proposed an amendment which was seconded, that the call-in be rejected.

In accordance with paragraph 4.1.18.5 of the Council's Constitution the vote was recorded. The voting was as follows -

For the amendment (that the call-in be rejected): Councillors Richard Griffiths, Trefor Lloyd Hughes, MBE, Richard Owain Jones, Alun Roberts, Nicola Roberts and Mr Keith Roberts (Co-opted Member with a vote on educational matters).

For the original proposal (that the matter be referred to Full Council): Councillors Lewis Davies, Aled Morris Jones and Bryan Owen.

**It was resolved to reject the call-in of the Executive's decision from its meeting held on 16 July, 2018 in relation to the modernisation of schools in the Llangefni area – Y Graig and Talwrn.**

*The Executive's decision therefore takes effect forthwith.*

**Councillor Aled Morris Jones  
Chair**