

## CABINET

Minutes of a meeting held on 15<sup>th</sup> October, 2018.

Present: Councillor J.W. Thomas (Chairman); Councillor T.H. Jarvie (Vice-Chairman); Councillors J.C. Bird, G.A. Cox, G.C. Kemp, A.C. Parker and R.A. Penrose.

Also present: Councillors L. Burnett, V.P. Driscoll, K. Mahoney, L.O. Rowlands and Mrs. M.R. Wilkinson.

### C436 ANNOUNCEMENT –

The Leader opened the meeting by welcoming members of the public and reminded them that this was a meeting held in public, rather than a public meeting and therefore there would be no opportunity for comment or questions other than from members of the Cabinet and officers advising Cabinet Members.. As there were a lot of members of the public attending the meeting the Leader intended, with the agreement of Cabinet, to slightly alter the order of the agenda. He proposed that the first item Cabinet consider should be Agenda Item No. 18(i) which was the reference from Homes and Safe Communities Scrutiny Committee regarding the proposed gypsy and travellers site at Hayeswood Road, Barry. Following consideration of that item, he proposed to deal with Agenda Item Nos. 7 and 10 together, which referred to the proposed reconfiguration of Primary Provision in the Western Vale. He would then proceed through the rest of the business in agenda order.

All Members indicated that they agreed to this order.

Finally, the Leader noted that Agenda Item Nos. 19 to 22 were Part II items which meant that they were confidential, and he would therefore have to ask any remaining members of the public to leave the meeting before these were discussed.

### C437 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 1<sup>st</sup> October, 2018 be approved as a correct record.

### C438 DECLARATIONS OF INTEREST –

Councillor G.A. Cox	<p><b>Agenda Item No. 4 – Local Authority Governors Advisory Panel – 3<sup>rd</sup> October, 2018.</b></p> <p>Reason for declaration – Nominated as an LA Governor for Y Bont Faen Primary School, he declared a personal and prejudicial interest and was unable to speak and vote on the matter.</p>
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Councillor T.H. Jarvie	<p><b>Agenda Item No. 4 – Local Authority Governors Advisory Panel – 3<sup>rd</sup> October, 2018.</b> Reason for declaration – Nominated as an LA Governor for Cowbridge Comprehensive School, he declared a personal and prejudicial interest and was unable to speak and vote on the matter.</p>
Councillor G.C. Kemp	<p><b>Agenda Item No. 4 – Local Authority Governors Advisory Panel – 3<sup>rd</sup> October, 2018.</b> Reason for declaration – As a Governor of Rhws Primary School, he had withdrawn from the Local Authority Governors Advisory Panel when the relevant school was being considered for appointments, so declared a personal and prejudicial interest in this matter and therefore he was unable to speak and vote.</p>
Councillor R.A. Penrose	<p><b>Agenda Item No. 4 – Local Authority Governors Advisory Panel – 3<sup>rd</sup> October, 2018.</b> Reason for declaration – As a Governor of Sully Primary School, he had withdrawn from the Local Authority Governors Advisory Panel when the relevant school was being considered for appointments, so declared a personal and prejudicial interest in this matter and therefore he was unable to speak and vote.</p>

**C439 MATTER WHICH THE CHAIRMAN HAD DECIDED WAS URGENT –**

RESOLVED – T H A T the following matter which the Chairman had decided was urgent for the reason given beneath the minute heading be considered.

**C440 HOUSING DEVELOPMENT PROGRAMME - HAYESWOOD ROAD, BARRY (REF) –**

**Urgent by reason of the need to comply with the Council’s statutory duty to promote positive community cohesion and in light of immediate extensive public and commercial interest**

The Leader noted that the Scrutiny Committee had referred the report back to Cabinet for reconsideration of the proposals and invited the Cabinet Member for Learning and Culture to speak and address the concerns as outlined in the reference.

The Cabinet Member informed his colleagues that he had been present at the Scrutiny Committee meeting on Wednesday 10<sup>th</sup> October, 2018 and had received considerable correspondence and personal contact on this matter, and would therefore move that Cabinet reject the proposal for a Gypsy and Traveller Site at Hayeswood Road, Barry. He asked his fellow Cabinet Members to support his motion for the following reasons.

Firstly, the Cabinet Member felt that too many concerns had been raised by the local community, both by residents and also by local businesses, as well as potential future businesses looking to invest in the locality. Whilst the Council had a statutory duty to accommodate gypsies and travellers, the Member stated that the representations highlighted significant concerns that the proposed site was not appropriate or suitable. He also confirmed that he had received significant representations from businesses, including investment decisions brought into question resulting from the proposal. He urged his Cabinet Members to find a solution which delivered homes for individuals, but did not prejudice or impact upon investment, jobs and the prosperity of citizens in the Vale of Glamorgan, and he considered that the proposals did not deliver this.

Secondly, the Cabinet Member for Learning and Culture noted that there had been very recent discussions between Council officers and officials within Welsh Government related to the specific needs of the group of travellers for which the Local Authority needed to find a site. There were also concerns that the engagement with the group needed to be taken further in advance of any decisions being made on specific sites and that the availability of any grant assistance was in doubt without such engagement.

Given these concerns, the Member urged Cabinet to reject the proposal and reject the Hayeswood site for any future consideration. The Cabinet Member then moved a series of counter proposals to the original resolutions of Cabinet from its meeting on 17<sup>th</sup> September, 2018, which were seconded by the Cabinet Member for Regeneration and Planning.

Before taking this matter to a vote, the Cabinet Member for Social Care, Health and Leisure queried as a point of clarification whether, if the Council were to start a process for another Gypsy and Traveller Accommodation Assessment, would the potential sites already identified, including Hayeswood Road, Barry, be included. In response, the Managing Director confirmed that the entire Gypsy and Traveller Site Assessment process would have to be retaken, and a new set of proposals would therefore be required so work to identify sites would start afresh, with the Leader confirming that this could exclude the Hayeswood Road, Barry site in future.

Cabinet, having considered the recommendations of the Homes and Safe Communities Scrutiny Committee

**RESOLVED –**

(1) T H A T the findings of the Site Assessment (attached at Appendix A of the report to Cabinet on 17<sup>th</sup> September, 2018 and subsequently considered by Homes and Safe Communities Scrutiny Committee) be rejected and the identification of the site at Hayeswood Road, Barry as the preferred site to meet the longer term need for

Gypsy and Traveller Accommodation identified in the Gypsy and Traveller Accommodation Assessment (GTAA) be rejected.

(2) T H A T in pursuance of resolution 1 above, the proposal to submit a planning application for the site at Hayeswood Road, Barry as a detailed application for a Gypsy and Traveller site be rejected and not progressed any further.

(3) T H A T in pursuance of resolution 1 above, the proposal to enter into negotiations with Welsh Government for the acquisition of the site for the purposes of a Gypsy and Traveller site be rejected and not progressed any further.

(4) T H A T immediate steps be taken to improve engagement with the Gypsy and Traveller community, including those resident temporarily at Hayes Road, Sully, so that their needs can be carefully assessed and considered in advance of any new proposals being brought forward for consideration.

### Reasons for decisions

(1-3) The site identified at Hayeswood Road was unsuitable given the potential impact on existing and proposed businesses as well as residential occupiers and the potential of the proposal to undermine continued investment in employment opportunities in the area. In addition, the absence of meaningful engagement with the existing Travellers at Hayes Road, means that the site assessment appended to the report is not based on sufficiently robust analysis.

(4) Any new proposals must be fully assessed and must have considered fully the needs of the Traveller Community as well as the potential for funding from Welsh Government prior to any potential sites being considered and taken forward.

### **C441 PROPOSED RECONFIGURATION OF PRIMARY PROVISION IN THE WESTERN VALE (REF) –**

This item was considered alongside Agenda Item No. 10: Supplementary Report: Proposed Reconfiguration of Primary Provision in the Western Vale.

The Learning and Culture Scrutiny Committee considered the above report on 1<sup>st</sup> October, 2018.

The Chairman commenced by informing the Committee that proposals for the reconfiguration of primary provision in the Western Vale had been sent to the Committee by Cabinet, with the request that the Learning and Culture Scrutiny Committee consider the report, consultation report, including appendices and written representations received at the Cabinet meeting on 17<sup>th</sup> September and explained that scrutiny at the meeting should be related to the Cabinet report and proposals contained therein. The Chairman welcomed a full discussion, but within these broad limits.

She subsequently explained the process for the meeting, how the report had been broken down into sections for consideration, when she would bring in members of

the public to make representations, and allow Members of the Committee to request points of clarification and ask questions.

(a) School Standards and Organisation (Wales) Act 2013 and School Organisation Code 2013

This section of the report was introduced by the Operational Manager, Legal Services, who informed the Committee that the Council had a number of general duties under Part 1 of the Education Act 1996, in particular those duties under Sections 13 and 14 of the 1996 Act.

However, in respect of the proposal, the Operational Manager stated that the Council must exercise its functions in accordance with Part 3 of the School Standards and Organisation (Wales) Act 2013 which was concerned with school organisation. The Council also had to have regard to relevant guidelines contained in the School Organisation Code published on 1<sup>st</sup> October, 2013. Chapter 2 of Part 3 of the 2013 Act dealt with school organisation proposals. An alteration which was a “regulated alteration” in relation to the type of school in question may be made to a maintained school only in accordance with Part 3 of the 2013 Act. The term “regulated alteration” was defined in Schedule 2 to the 2013 Act.

The following changes were “regulated alterations”:

- The transfer of a school to a new site was a regulated alteration (unless a main entrance of the school on its new site would be within one mile of a main entrance of the school on its current site) (paragraph 2 of Schedule 2 to the 2013 Act).
- The alteration by a year or more of the lowest age of pupils for whom education was normally provided at the school was also a regulated alteration (paragraph 5 of Schedule 2 to the 2013 Act); and
- The enlargement of the premises of the school which would increase the capacity of the school by at least 25% or 200 pupils as compared with the school’s capacity on the appropriate date was also a regulated alteration (paragraph 10 of Schedule 2 to the 2013 Act).

The Committee was informed that under section 42(1)(a) of the 2013 Act, a Local Authority had the power to make proposals to make a regulated alteration to a community school, and Section 48(2) of the 2013 Act provided that before publishing such proposals, a proposer must consult on its proposals in accordance with the requirements of the Code.

The Officer stated that if a Local Authority decided to proceed with a proposal to make regulated alterations to a maintained school, it must publish proposals to that effect in accordance with the Code. Any person wishing to object to the proposals published under section 48 had to do so within the objection period of 28 days. The Council must then publish a summary of all objections made to the proposal and its response to those objections before the end of seven days beginning with the day of the Council’s determination. The Local Authority proposer must then determine whether the proposals should be implemented. Where a Local Authority’s proposals had received objections, and required determination, those objections would be carefully considered before a final determination was made. Any determination had

to take place before the end of 16 weeks beginning with the end of the objection period.

The Code contained a number of requirements which Local Authorities in Wales had to act in accordance with.

Paragraph 1.1 of the Code set out the key background principles and policies, which should be taken into account by the Council in developing school organisation proposals and in addition when developing school organisation proposals, the local plans to which Council should have regard included the following:

- Local plans for economic or housing development;
- Welsh in Education Strategic Plans (made under part 4 of the 2013 Act);
- Children and Young People's Plans (or successor plans);
- 21st Century Schools – Capital Investment Programme and the relevant wave of investment;
- The Council should also have regard to Welsh Government Guidance on related matters such as:
  - Learner Travel Operational Guidance;
  - Measuring the capacity of schools in Wales, Circular 09/2006.

Local Authorities had to also consider whether proposals would improve access for disabled pupils in accordance with requirements under the Equality Act 2010.

In considering the Public Sector Equality Duty, the Council was required, in carrying out their functions, to have due regard to the equality needs set out under Section 149 of the Equality Act 2010, as set out in the Cabinet Report.

There being no points of clarification sought from the Committee, the Chairman welcomed the first public speaker. There were two public speakers for this item, Mrs. Kate Jenkins, Llancarfan Primary School Community Governor, and Dr. Oliver Spencer, Llancarfan Parent Governor.

Mrs. Jenkins informed the Committee of her role as a Llancarfan Primary School Community Governor and stated that she had responded to both consultations on this proposal. The public speaker informed the Committee that she first heard of the proposals to reconfigure primary provision in the Western Vale on Friday, 12<sup>th</sup> January, 2018 before they were officially published on Wednesday, 17<sup>th</sup> January, 2018. She informed the Committee that this gave the Governing Body no time to convene, or discuss the proposals with parents. In her opinion, this undermined the work and role of the Governing Body. She noted that staff were also finding it difficult to carry out their duties with the proposals ongoing.

Mrs. Jenkins informed the Committee that the Governing Body had met with officers to discuss the 21<sup>st</sup> Century Schools Programme and was informed that this funding would only be available for new builds. Subsequently, she had learned that money was available to refurbish existing schools in 21<sup>st</sup> Century Schools' bids and therefore she felt that the Governing Body was misled.

Mrs. Jenkins then noted that the proposed reconfiguration of primary provision in the Western Vale referred to the proposals as a transfer of the existing Llancarfan

Primary School building into a new school building, however she stated that the Governing Body did not see how the proposals as detailed in the report would achieve this. Whilst the report indicated that this would be a transfer from the existing building into a new school building, the Llancafarn School Community Governor stated that under the proposals, in her opinion, once the existing site was closed Llancafarn Primary School would not exist.

Finally, Mrs. Jenkins stated that if the proposals were carried out as in the report, she would not stand as a Community Governor, as she felt that the new school building would not be in the same community.

Dr. Spencer was then invited to speak to the Committee, and begun by addressing the categorisation of Llancafarn Primary School, noting that the School had been placed in the Yellow Support Category, and he stated that the categorisation system for schools was not a tool to determine the closure of a site. Dr. Spencer informed the Committee that the Governing Body would like Llancafarn Primary School to be placed in the Green Support Category, which they believed would not require significant improvements and therefore they disputed the statement in the report that referred to Llancafarn Primary School not being in the top 50% of primary schools in the Vale of Glamorgan.

The public speaker noted that a fall in pupil numbers had been observed. The consultation document suggested that the number of pupils attending the school was low, however following publication of the proposal, he informed the Committee that this had led to a reduction in enrolments, and therefore the proposals were having a direct impact on the school's budget and staffing. Dr. Spencer also informed the Committee that as a result of the proposals, parents had stated that they had to find alternative primary provision or leave.

Dr. Spencer requested that the Committee ask Cabinet to protect funding and maintain it at existing levels. The Committee was informed that nursery provision could be provided at Llancafarn Primary School, however the report stated that there was no funding for this possibility, which he found hard to believe given the available funding for new school buildings. Dr. Spencer also informed the Committee that there was a lack of evidence for the benefit to educational standards as laid out in the report and he strongly felt that Llancafarn Primary School already met the criteria for Clever Classrooms, and a proposed Rhoose site was environmentally unsuitable.

In conclusion, Dr. Spencer informed the Committee that Section 106 funding from new developments in Rhoose could be spent on developing primary provision in the Rhoose area, and Llancafarn Primary School's new status as a Rural School could allow the Governing Body to access additional funding and keep the school thriving.

Members indicated that they had no points of clarification or questions on the School Standards and Organisation (Wales) Act 2013 and School Organisation Code 2013 section of the report, and some points raised by the public representations on this section would be addressed under later sections.

(b) The Public Sector Equality Duty

The Operational Manager, Legal Services, presented this section of the report, informing the Committee that in respect of the Public Sector Equality Duty the equality duty arose where the Council was deciding how to exercise its statutory powers and duties under the 1996 Act and the 2013 Act. The Council's duty under Section 149 of the Equality Act was to have "due regard" to the matters set out in relation to equalities when considering and making decisions in relation to its statutory duties under those Acts. Accordingly due regard to the need to eliminate discrimination, advance equality and foster good relations needed to form an integral part of the decision making process and the Council needed to have an adequate evidence base for its decision making.

The Officer stated that the duty was not to achieve the objectives or take the steps set out in Section 149. Rather, the duty on public Authorities was to bring these important objectives relating to discrimination into consideration when carrying out its public functions (which included the functions relating to school reorganisations).

"Due regard" meant the regard that was appropriate in all the particular circumstances in which the Authority was carrying out its functions and there had to be a proper regard for the goals set out in Section 149. At the same time, the Council also had to pay regard to any countervailing factors, which it was proper and reasonable for them to consider. The weight of these countervailing factors in the decision making process was a matter for the Council's Executive in the first instance.

The Committee was informed that the duty covered the nine protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. However, Section 149, so far as relating to age, did not apply to the exercise of a function relating to the provision of education to pupils in schools (paragraph 1 of Schedule 18 to the 2010 Act). Finally, the Council also had to comply with the specific equality duties imposed by the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, particularly Regulation 8 (imposing specific duties to make arrangements for assessing the impact of its policies / practices and monitoring of the same).

The Chairman then invited the first public speaker for this section, Mrs. Rachel Edwards, a prospective parent at Llancafarn Primary School, to make her representations.

Mrs. Edwards informed the Committee that she was a resident of Llancafarn and a prospective parent at Llancafarn Primary School, who had always explained to her children that Llancafarn Primary would be their new school. She stated that she now had one child who was due to start in September who did not know where their school would be. She stated that this was a difficult decision for her and her partner as parents to make, and no such conversation was required with their previous children, who would be the fifth generation of their family to attend the village school.

Mrs. Edwards stated that parents were told they had choice for primary provision for their children, however in her opinion, this was not the case and she now had a short



time to find alternative primary provision. Instead, Mrs. Edwards informed the Committee that she would like the same opportunities for all her children.

Mr. Matthew Valencia, as a current parent with children at Llancafarn Primary School, then spoke to the Committee, informing them that he had two children at primary school age and had to ask his children to change their preference from Llancafarn Primary School to another primary school due to the proposals.

Mr. Valencia informed the Committee that he lived 100 yards from Llancafarn Primary School and that he had chosen to live in Llancafarn due to its close relationship with the primary school. In his opinion, the school provided his children with a solid grounding, an excellent sense of community and this was good for child development; the school environment having reinforced their wellbeing.

Mr. Valencia informed the Committee that he now had to make a difficult decision: should he keep his children in Llancafarn Primary School, or move elsewhere for the same rural setting. Mr. Valencia informed the Committee that he felt the Council had forced his hand and moved his children's primary provision to Pendoylan Primary School which provided a similar rural setting. He informed the Committee that he had to drive his son to Pendoylan, however this was still one mile less than it would be to Rhose.

In conclusion, Mr. Valencia stated that he would recommend the proposal be dropped, as the closure of the Llancafarn Primary site diminished options for parents, as not all parents wished for their children to go to 21<sup>st</sup> Century Schools with fast internet.

There were no points of clarification or questions from Committee Members on this subject heading.

(c) Reasons for the Proposal, Options Considered and Consultation Process

The Head of Strategy Community Learning and Resources informed the Committee that the Council had to ensure that there were sufficient schools providing primary and secondary education for their area. Under the School Organisation Code (2013) with regards to the quality and standards in education, the Vale of Glamorgan Council had to place the interests of learners above all others. Relevant bodies also had to consider the ability of the school or schools which were the subject of the proposals to deliver the full curriculum at the Foundation Phase and each Key Stage of education. This consideration had to include the quality of curriculum delivery and the extent to which the structure or size of the school was impacting on this.

The Officer stated that where proposals involved the transfer of learners to alternative provision, there should normally be evidence that the alternative would deliver outcomes and offer provision at least equivalent to that which was currently available to those learners (including learners with SEN) and proposers should ensure that the disruption to learners was minimised.

The Committee was then informed of key sections of the School Organisation Code (2013) that the Council had to follow as part of the proposals:

Section 1.4: Need for places and the impact on accessibility of schools. Local Authorities had to ensure that there were sufficient schools providing primary and secondary education for their area. Schools were regarded as sufficient if they were sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.

Section 1.5: Resourcing of education and other financial implications. It was important that funding for education was cost effective. Relevant bodies had to take into account the following factors in relation to the resourcing of education:

- Whether proposals would ensure a fairer and more equitable distribution of funding between mainstream schools within the Local Authority's area;
- What effect proposals would have on surplus provision in the area;
- Whether proposals formed part of the Local Authority's 21st Century Schools Investment Programme and contributed to the delivery of sustainable schools for the 21st Century and to the better strategic management of the school estate through the removal of maintenance backlogs and school buildings which were in efficient or in poor condition.

Section 1.8: Specific factors to be taken into account for proposals to add / remove nursery class. The Council had to consider the standard of nursery education and the sufficiency of accommodation and facilities offered, both in the classroom and outdoors, and the viability of any school that wished to add nursery places.

Therefore, the Head of Strategy, Community Learning and Resources informed the Committee that there were not enough places in Rhoose to meet demand, and the Council had a statutory duty to meet this demand. He stated that Llancafarn Primary School had a catchment area population of 55 primary age children set against a capacity of 126 places and only 29 of the 55 primary aged children living in the catchment area attended the school.

Half of those living outside the Llancafarn Primary School catchment area resided in the Rhws Primary School catchment area and the Officer detailed the trend of declining pupil numbers and revenue implications. There were projected surplus places in 2023 at 22%, which was over double the target agreed by Welsh Government and there were no nursery provision available at Llancafarn Primary. Finally, site constraints at both Rhws Primary and Llancafarn Primary limited investment opportunities to expand.

The Officer informed the Committee of relevant facts and figures on Standards and Improvement Categories from the Cabinet report regarding Llancafarn Primary School. He stated that under the Standard Improvement categories, the Primary School had an overall category of Yellow and confirmed to the Committee that these colour categorisation systems were not meant to penalise schools but were simply a measure of support that was required, and as an officer, his duty was to consider what aspects of a school prevented progress. The Head of Strategy, Community Learning and Resources noted the outcomes of recent Estyn inspections, which included the capacity to improve. He also noted that 50% of primary schools in the Vale of Glamorgan were classified as Green in the standards and improvement categories, and that Llancafarn Primary School was the fifth highest primary school

in terms of revenue costs per pupil. The Committee was also informed of the Reception intake from 2014 to 2018.

The Officer then provided the relevant facts and figures from the report for Rhws Primary School for pupil projections and available school places. These included the school capacity projections going forward, noting that with a population of approximately 7,000 people, and a projected shortfall of 90 school places by 2022/23, it would be reasonable to have two schools in the Rhoose area. The Head of Strategy, Community Learning and Resources explained the methodology for the Committee, and confirmed that in recent projects for pupil yield at Rhoose Point, the Council's projections had been correct within 3%.

The Head of Strategy, Community Learning and Resources then provided the Scrutiny Committee with an overview of the options considered as part of the proposal which were:

### **Extending Llancarfan Primary School**

- The site was a constrained site and too small to expand to meet Building Bulletin requirements;
- Business case for 21<sup>st</sup> Century Funding would not meet criteria for satisfying Building Bulletin regulations;
- Site was sloped which limited development;
- The school was not in the right place to serve the additional increase in numbers emanating from Rhoose;
- Transportation issues would arise given the narrow country lanes providing the only access to the school;
- There was insufficient space to do any construction on site while the school was occupied.

### **Extending Rhws Primary School**

- The site was a constrained site and too small to expand to meet Building Bulletin requirements;
- Business case for 21<sup>st</sup> Century Funding would not meet criteria for satisfying Building Bulletin regulations;
- Any additional structures onsite would need to be built on existing playing fields;
- School was one of only two Grade 2 listed buildings in the Vale, limiting the scope for change;
- There was no opportunity to address half form entry challenges at Llancarfan;
- No investment for pupils at Llancarfan Primary School;
- The extended school would be too large causing a situation of surplus capacity in 2021 of 19%.

### **New 210 Primary School in Rhoose and retain Llancarfan Primary School in situ**

- A 210 place school would introduce significant surplus places, against an agreed target of only 10% per Welsh Government;

- There was no opportunity to address half form entry challenges at Llancarfan Primary School;
- No opportunity for investment in pupils at Llancarfan Primary School;
- Federation could be considered with Rhws Primary however this required excellent leadership and experience. New Headteacher for Rhws Primary starting in January 2019;
- Additional annual revenue funding required from Mainstream School Funding Formula of approximately £725k.

### **New 210 Primary School in Rhoose, reduce Rhws Primary School to 255 and retain Llancarfan Primary School in situ**

- A reduction to 255 pupils at Rhws Primary could only be achieved through a phased reduction from the Reception intake which would not be realised until 2026. Additional capacity needed by 2023;
- The current admission number of Rhws Primary was 53. A reduction to 255 places would yield a new admission number of 36. Educationally this was difficult to manage class organisation, school structure, curriculum planning, and would necessitate mixed age teaching when considering statutory class size limits of 30 children;
- Additional annual revenue funding required from Mainstream School Funding Formula of approximately £500k;
- Additional funding would be required for the Band B programme to offset the loss of any capital receipt from the current Llancarfan Primary School site;
- New catchment areas would need to be drawn to divide the existing Rhws Primary pupil population to correlate with the new capacities in both schools, or both schools shared the catchment area, with prioritisation given to the new school for newcomers to the catchment area.

### **Do Nothing**

- Based on current projections, by 2023 there was an anticipated shortfall of 90 primary school places in the Rhoose area;
- The trend of falling numbers at Llancarfan continued to challenge the efficiency and sustainability of Llancarfan Primary;
- Under the law, the Council was required to ensure adequate provision for school places within its borders to meet demand.

As part of the options considered, the Officer confirmed to the Committee that pupil demand and location had been fully considered and was quantifiable data, and the Council had to consider options that were within the context of the School Reorganisation Code.

The Head of Strategy, Community Learning and Resources provided the Committee with the legal definition of consultation, which was generally considered a process to help understand problems as part of larger systems, and to seek views. It was not a referendum or a method for obtaining permission. The Officer stated that due to high levels of interest and consultation engagement that had been undertaken, the consultation report was subsequently very long. He also noted that there were no right or wrong answers with the options considered, however he considered the proposed reconfiguration of primary provision in the Western Vale as detailed in the

Cabinet report was the option that most complied with the School Organisation Code 2013.

The Officer presented Committee with a timeline of both consultations with regards to the proposal, and stated that it was appropriate the matter was referred again to the relevant Scrutiny Committee. The Committee noted that Section 48 of the School Standards and Organisation (Wales) Act 2013 required that before school organisation proposals were published they must first be subject to consultation. The Committee was then informed that consultation processes had to follow Welsh Government guidelines, in compliance with the Schools Standards and Organisation (Wales) Act 2013 and School Organisation Code 2013.

The Head of Strategy, Community Learning and Resources stated that the consultation developed on the feedback received, and during the first consultation it was requested that different sites or options should have been available for consideration, so the Officer confirmed that these were then being consulted upon as a second process. He also confirmed that all responses from the first consultation were carried over, and the Community Impact Assessment was altered based on the feedback received. The officer noted that there had been technical challenges, informing the Committee that the survey software had cut the end off ten responses due to technical character limits. Once the error had been confirmed, each of the respondents affected were contacted to add their final amendments to their responses. The Committee was informed that all of the consultation issues and themes that were outlined during the consultation were included in the report, and the Head of Strategy, Community Learning and Resources confirmed that over 50 issues were raised, and the School Organisation Code 2013 stated that responses had to be provided. As part of the consultation report, the Council considered both consultation exercises, had two meetings with the Governing Body and staff, held two sessions with pupils at Llancarfan Primary School, four public drop-in sessions, and considered 1,136 individual pieces of correspondence on the proposals. The officer confirmed that individual responses were available in the Members' Room for review.

Mr. Jim Barratt, current parent with pupils at Llancarfan Primary School, was invited to speak to the Committee. The public speaker informed the Committee that he felt the whole consultation process had been too narrow and focused on the one option as detailed in the proposal. In his opinion, Mr. Barratt stated that the Council had pursued the one option in a single minded fashion. He stated that at the earliest conceptual stages of the proposals, the Council had not engaged with anyone else, and he wished that the Authority had talked to Governors of Llancarfan Primary School and Rhys Primary School at a much earlier stage to ensure that the favoured option would be fit for purpose. This best practice approach would honour the public engagement process.

Mr. Barratt queried why the Council had not met with key stakeholders at an earlier stage of the process before preferred options were drawn up, and stated that the Local Authority had had plenty of opportunities, as the start date of Band B 21<sup>st</sup> Century Schools was January 2017.

Mr. Barratt stated that the consultation was flawed, and based on four false premises which were as follows. Firstly, that a transferral of staff and pupils from the existing

Llancarfan Primary School building into the new school building would be a relocation. Mr. Barratt instead stated that the proposals were for a school closure in all but name. Secondly, there was a demand for placements in Rhoose. Mr. Barratt stated that these calculations were based on one approach to modelling, whereas other methods of population modelling predicted less demand than anticipated. Thirdly, demand for additional places in Rhoose could not be met through only one school. In his opinion, Mr. Barratt stated that the proposals in the report risked dividing the community. Fourthly, the designation of Llancarfan Primary School as a "Rural" school. Mr. Barratt concluded that this designation was an opportunity to sustain the future of Llancarfan.

Finally, Mr. Barratt queried why the single option had been pursued in the proposals, and wondered if it could be related to the blueprint that was developed in December 2012 as part of a Task and Finish Group of the Scrutiny Committee. That report contained similar recommendations to those as suggested in the current proposals. Mr. Barratt stated that in 2012, Cabinet had decided not to follow the recommendations of the Task and Finish Group and he urged the current Cabinet to come to the same conclusion for the proposals being considered by the Committee today.

Members of the Committee then sought points of clarification from the public speaker, requesting more information on the other modelling method referenced by Mr. Barratt. In response, the member of the public stated that there were various ways to calculate pupil yields from housing numbers. In this instance, the Council had taken the number of houses being built in the Rhoose area, which was 700, then multiplying it by 0.278. This gave a 90 place shortfall. Mr. Barratt noted that there were different approaches taken by other Local Authorities, for example Salford City Council had tested different approaches to estimates and looked at non-principaled bedrooms, for example one bedroom apartments which would not necessarily yield primary school places. Using a non-principaled bedrooms method calculation, Mr. Barratt calculated that Rhoose would only face a shortfall of 28 places. In a school with 210 places, this would still be a significant proportion, however could lead to a significant surplus in any new school in Rhoose.

The same Member of the Committee then sought more information on the statement that Llancarfan being a rural primary school was an opportunity and not a threat. Mr. Barratt responded by stating that the rural school designation would allow Llancarfan Primary School to qualify for additional Welsh Government funding, and Llancarfan Primary School would be the only school eligible for this funding in the Vale of Glamorgan. A rural school would have more leeway in surplus places and be a more sustainable option. Mr. Barratt therefore considered it right that the Council should consider all other proposals.

There being no further points of clarification, Members were invited to discuss the reasons for the proposal, options considered and consultation process.

A Member of the Committee asked what the designated funding for a rural school would be and what impact this could have on the school. In response, the Head of Strategy, Community Learning and Resources stated that for the financial year 2018/19 this figure was £2.5m funding across the whole of Wales. In 2017 a rural cluster of schools from the Vale of Glamorgan had applied to access this funding,

which had a couple of attached requirements. This year, the cluster had been awarded £56k, to be shared across the six schools. The Director of Learning and Skills clarified that this was a grant for small and rural schools, of which the Council was allocated a sum of money, then had to make applications to draw down this funding. As such, this pot of money did not require rural school status for applications, and was already available to Llancafarn Primary School. The Director confirmed that this funding could not be used to offset normal running costs, so previous bids by the Council were for the purpose of funding an educational psychologist.

With regards to the option to extend Rhws Primary School, the Chairman queried why the site had been listed as constrained, and too small to expand to meet Building Bulletin requirements. In response, the Head of Strategy, Community Learning and Resources stated that the building was Grade 2 listed, and he provided the statistics for the square metre floor space per pupil as compared to the Welsh Government Building Bulletin Regulations, which confirmed that the site was already constrained and too small for expansion, so applications for funding would not meet the assessment criteria set within the Guidelines. The Officer also confirmed for the Chairman that the same site size difficulties applied for Llancafarn Primary School.

A Member then raised a point of clarification, that parts of Rhws Primary School were not listed, and queried why the unused space at Rhws was not sufficient for extension, noting that Romilly Primary School had recently undergone lots of development. The Officer responded that the developments at Romilly Primary School were like-for-like, and did not comprise a shrinkage or expansion of the school building.

A Member noted that there was no nursery provision available at Llancafarn Primary School and noted the desire to have continuous nursery to primary provision in the Western Vale, and hoped that the Governing Body of Llancafarn Primary School was in discussions with the Local Authority to explore this option. The Member queried why this could not be provided on site at Llancafarn Primary School. In response, the Head of Strategy, Community Learning and Resources stated that the existing site of Llancafarn Primary School was too small to accommodate nursery provision. As for discussions that took place in 2012, the Officer stated that he did not have the details of these discussions, so could not comment on the recommendations made at that time, however in the present day, he felt that there was not enough space at the site for nursery provision. It was confirmed for the Committee that Local Authority nursery provision was available in St. Athan and Rhoose, and there was private provision available elsewhere. The Committee discussed the availability of sites in the village of Llancafarn, which officers stated had been considered, with the Village Hall deemed unsuitable, however it was stressed that providing nursery and primary provision across multiple sites was problematic and not good for learner transition.

A Member stated that the proposals were based upon a number of predictions, and asked officers if these figures had been analysed for accuracy. In response, it was confirmed that predicted figures were analysed, to ensure that the methodology was evidence based, with the Officer noting that the Council's projections for pupil yield at Rhoose Point across nursery, primary and secondary sectors was within 3% accuracy and therefore accurate.

The Chairman stated that she had experience of schools that had gone through a federation process, which led to increases in travel for pupils and school standards had slipped. She then asked if, hypothetically, Llancafarn Primary School remained as is, at what point would it be considered “unsustainable”. The Director of Learning and Skills responded that this would depend upon a number of factors, as there was no one set measure for school sustainability. It was a fact that Llancafarn Primary School would receive £96k less funding next year, which would require the Governing Body to come up with a recovery plan, and informed the Committee that the lower number of pupils that attended the school, the lower funding it would subsequently receive and requested Members to be mindful of that fact.

A Member of the Committee asked officers to elaborate on the importance of pupil costing, and of the differences and similarities between Llancafarn and other primary schools that offered less than 210 places with regards to their costs per pupil. The Head of Strategy, Community Learning and Resources stated that the Council had a statutory duty of care in the context of school funding, as the decision to reconfigure primary provision in the Western Vale would have a knock on effect with mainstream school budgets. Individually, there were no other schools that offered less than 210 places which were financially at risk, however this depended heavily on the personal circumstances of each school, however there were similar issues of pressures on teaching, so the proposed reconfiguration of primary provision in the Western Vale sought to offer a model of primary provision that worked well elsewhere.

The same Member queried what strategic work the Council had undertaken with Llancafarn Primary School to offer support, and how long had the school had the fifth highest costs per pupil. The Head of Strategy, Community Learning and Resources stated he would check how long Llancafarn Primary School was the fifth highest in the Vale of Glamorgan for costs per pupil, and confirmed that high levels of support available and added that the Council had done everything it could to help the school. He reiterated that the Council did not want schools to fail without offers of support.

Finally, a Member of the Committee sought information on the costs of other rural schools in the Vale of Glamorgan and their capacities. Officers responded that other rural schools within the Vale of Glamorgan, including Wick and Marcross CiW Primary Schools, Peterston-Super-Ely CiW Primary School and St. Nicholas CiW Primary School were operating within budget, and Governors at those schools decided how to balance budgets, with the Council offering support. It was noted that Pendoylan CiW Primary School was also in the rural cluster, however had been working with the Council to develop a financial recovery plan for many years. At the request of the Member, officers indicated that they could circulate the information on budgets and unit costs per school across the rural cluster of primary schools.

(d) Community Impact Assessment

The Committee was informed that the School Organisation Code 2013 recommended that a Community Impact Assessment should be included as part of school organisation consultations, however this was not a mandatory requirement. In relation to the proposal, the Council nevertheless thought it would be prudent to produce a thorough Community Impact Assessment. The Assessment was



developed over the lifespan of the consultation and developed within the context of education provision and resulted in a scoring matrix introduced against eight key measures which were detailed in the report. The School Organisation Code referred to community impact within the context of community use of the buildings. The Head of Strategy, Community Learning and Resources stated that the Community Impact Assessment did not identify the school buildings as being used to provide community services or as a base for community activities.

As a point of clarification, a Member queried if there was a cost for the use of the school buildings and if alternative buildings were available in the village for community use. The Officer noted that schools set their own charging policies for the use of school buildings, and it was only possible to successfully charge for the community use of buildings if there was demand in the first instance.

Following the Officer's presentation of this section of the report, the next public speaker was asked to make their representations.

Mr. Richard Barnes, Rhoose Community Representative, stated that the majority of the Llancafarn community were not in favour of the proposals, and neither were the proposals to the benefit of all of the village of Rhoose, only the families that would occupy the 300 new houses being built in the vicinity. Mr. Barnes asked why the Rhoose Section 106 funds were not being invested in the current primary school and this should have been consulted on fully as it must have been discussed previously. This alternative provision would benefit many and allow more choice than the proposed reconfiguration of primary provision in the Western Vale. In his opinion, the proposal had impacted upon the future funding for the existing schools, which was particularly difficult as they were underfunded, and the Parent Teacher Association funding which would also suffer as a consequence.

Mr. Barnes stated that the proposal would have a negative impact upon traffic in the Western Vale, as there was limited and inadequate access to all of the Wards affected by the proposal. The public speaker stated that there was limited mention of transport issues in the report, and requested that a further traffic study be undertaken as the traffic situation in these areas was dangerous enough already.

Finally, Mr. Barnes considered these proposals would divide the community, who were happy to work with the Council to support the many and not the few.

With regards to Mr. Barnes' comments on the dangerous traffic and possible effects of infrastructure resulting from the proposals, a Member of the Committee sought clarification on this point. The Member stated that 30% of pupils who studied in Llancafarn were living in the village, so building a new school in the Rhoose area would result in less infrastructure pressure in the village of Llancafarn. In response, Mr. Barnes clarified that he was talking about existing traffic pressures in the Rhoose area, and requested the Council to carry out another traffic assessment. The Chairman noted that the planning application for any new school buildings in the Western Vale would include another traffic assessment.

The next public speaker for this section, Mrs. Melinda Thomas, Llancafarn Community Council Representative, was invited to speak.

Mrs. Thomas stated that the Community Impact Assessment carried out as part of these proposals did not accurately capture the community in Llancarfan and Rhoose. The speaker stated that the Council had only used selected measures as part of the Community Impact Assessment that biased the result, for example putting too much emphasis on use of the school building, rather than the relationship between the school and community which, in her opinion, was more important and that evidence provided by the community had been discarded or marked low in the Assessment.

Mrs. Thomas stated that there were strong community links at Llancarfan Primary School, and just because the school did not use community facilities, that there would be no detrimental impact as a result of the proposals. As far as the community and Governors were concerned, they saw the proposed reconfiguration of primary provision in the Western Vale leading to a closure of Llancarfan Primary School and not a transfer. She informed the Committee that at least three businesses would suffer as a result of the proposals, including the Fox and Hounds Pub and the Community Hall. Mrs. Thomas also stated that the Community Impact Assessment made no mention of St. Cadocs Church, which in her opinion, was a serious omission. She therefore disputed the statement that there was no evidence of links to the community. The speaker noted that officers had been keen to undertake consultation, which was not a requirement, however she stated that there was a legal precedent that the community consultation should be carried out properly and with full consideration given, and she believed that the comments provided by the community at the meeting had undermined the previous Community Impact Assessment.

A Member sought clarification on the statement by Mrs. Thomas that the school transfer would have a direct impact on the public house in the village of Llancarfan, and requested more information at this point. In response, the Llancarfan Community Council representative stated that many parents of pupils at Llancarfan Primary School used the public house for tea and coffee, and the Fox and Hounds had organised several events for the school, including bike rides, funding events and barbeques, and was therefore embedded in the community environment at Llancarfan.

There being no further points of clarification with the public speaker, a Member asked officers to explain the reasoning that there was no evidence of strong links to the community. In response, the Head of Strategy, Community Learning and Resources stated that this was a difficult issue and he did not wish the community to think that the Council disregarded their opinion, as it was clear that the community placed great importance to supporting Llancarfan Primary School. The Officer confirmed that in the first instance, checks were made with the Headteacher of the school as to the community use of the facilities as per the Community Impact Assessment process as detailed in the School Organisation Code 2013, which was recognised as best practice. The Officer stated that the Community Impact Assessment evolved throughout the process, but ultimately had to consider the impact from an educational perspective. He confirmed that the Council did not wish to destroy the links between the community and the school, only transfer the school to a new site. With regards to a query from the same Member on the possible Section 106 contributions that would be used in proposals, the Head of Strategy, Community Learning and Resources confirmed that these contributions were

negotiated separately, however had to be based on the location of the development that led to the Section 106 funding.

A Member queried that if Llancaf Primary School offered wrap around care, what impact upon the community the removal of this provision could have, and in response the Head of Strategy, Community Learning and Resources noted that any new school facilities would offer the same provision.

In response to a question from another Member as to how to link the ethos of the school to a school transfer, the Officer stated that staff at Llancaf Primary School would be the main driver behind the delivering of education and ethos at the site.

Finally, the Chairman noted that this was the Learning and Culture Scrutiny Committee, so was pleased that the Committee was considering the local culture as part of the proposals and stated that the Council had carried out work on "Sense of Place" and the Committee should be mindful of this work. She continued that historically, when the previously referred to Task and Finish work on a school places review, it was purely in consideration of school roll numbers, however when the recommendations from that report were considered in the round, as with Oakfield Primary School, it could be seen that the proposals could affect regeneration in the area. The Chairman stated that she would struggle to support proposals if they would lose the "Sense of Place" in the community, which could be difficult to transfer. In agreement, the Head of Strategy, Community Learning and Resources confirmed that the Council provided support to the community, for example Creative Rural Communities funding was available, and had been accessed by the village before.

(e) Educational Validity and Quality and Standards in Education

The Director of Learning and Skills introduced this section of the report, informing the Committee that the Council had to be mindful of Section 1.3 of the School Organisation Code 2013, detailing the Council's duty with regard to quality and standards in education. The Director informed the Committee that relevant bodies should place the interests of learners above all others and should also consider the ability of the school or schools which were the subject of the proposals to deliver the full curriculum at the Foundation Phase and each Key Stage of education. This consideration should include the quality of curriculum delivery and the extent to which the structure or size of the school was impacting on this.

Where proposals involved the transfer of learners to alternative provision there should normally be evidence that the alternative would deliver outcomes and offer provision at least equivalent to that which was currently available to those learners (including learners with SEN). Proposers should ensure that the disruption to learners was minimised.

The Director of Learning and Skills drew the Committee's attention to page 73 of the consultation report attached at Appendix B to the Cabinet report, which provided Estyn's response to the proposal to reconfigure primary provision in the Western Vale. Estyn concluded that the proposals were likely to at least maintain the standard of education provision in the area. Whilst the Council was not required to make a case for better provision as part of the proposals, the Director set out the

educational benefits which were in line with Sections 1.4 and 1.5 of the School Organisation Code 2013. These were:

- The admission number at Llancarfan Primary School was 18 pupils per year group. The school had only five classrooms available for teaching seven year groups, therefore mixed age group teaching was necessary;
- Over the last three years, an average of 4 children had been born in the Llancarfan Primary School catchment area;
- The existing site did not meet 21<sup>st</sup> Century School standards and did not meet the requirements of the school given the site's restricted nature;
- The majority of pupils attending the school resided outside the catchment area, with over half of those living in Rhoose;
- Forecasted demand emanating from Rhoose given housing developments demonstrated a need to increase capacity to accommodate demand;
- The Local Authority was required to rationalise school places and was committed to meeting Welsh Government's surplus places targets;
- The opportunities afforded through Welsh Government's 21<sup>st</sup> Century Schools Programme would allow for a new purpose built school, reflective of an evolving and increasingly digital national curriculum to support and enhance learning provision.

The Committee was then asked to consider page 76 of the consultation report which detailed Estyn's response to the second consultation exercise, which stated that "It is likely that extending the provision to include nursery would support continuity and progression in pupils' learning experiences from pre-school age to statutory school age. The addition of outdoor facilities is likely to enhance pupils' wellbeing through providing better opportunities to develop their physical skills and health. In addition, access to high quality outdoor provision is a key principle of foundation phase pedagogy."

In conclusion, the Director stated that the proposals offered a sustainable solution to the issues facing primary provision in the Western Vale, which had been widely consulted upon. The proposals maintained efficiencies for the schools, dealt with a shortfall of places in Rhoose, was compliant with the Disability Discrimination Act, would offer nursery and outdoor provision, and would offer high quality education.

Morwen Hudson, Senior Challenge Advisor and Lead Officer for School Improvement in the Central South Consortium, was then invited to address the Committee as an expert witness.

Mrs. Hudson informed the Committee that she did not know of any other profession where staff were expected to work in a site that did not meet modern design requirements, whereas a new building with modern facilities would enhance the learning opportunities of the school. The Central South Consortium Officer was concerned that there had been little mention of the pupils at Llancarfan Primary School and the impact of the proposals on their education at the meeting this evening. She informed the Committee that the proposal had numerous benefits and a key consideration for the Committee was that the new site would provide nursery provision, which would provide continuity that had been shown to be very beneficial to educational outcomes. For example, Cadoxton Primary School which had

amalgamated with Cadoxton Nursery School to provide continuity and a consistent curriculum, had been very successful with improved outcomes for children and receiving excellent judgements from Estyn who commented on the outstanding progress children made in developing their personal and social skills and their raised standards of achievement.

Mrs. Hudson informed the Committee that outdoor learning was key to the Foundation Phase, and while staff at Llancarfan Primary School used the outdoor space available as much as possible, there were limitations on the current site. As such, the proposals would help enhance pupils' social, physical and creative development. For example, Ysgol Y Ddraig, which was a new school building, had well established outdoor provision, which was key to delivering the school's Foundation Phase.

The Central South Consortium Officer then noted that children in Llancarfan were taught in mixed age classes. The Committee was informed that there were pros and cons to providing education in this fashion, however in her opinion, the drawbacks were significant and provided a challenge for teachers. The Committee was informed that using data drawn from Welsh National tests, pupils in Llancarfan Primary School in Years 4 to 6 were performing at less than the Local Authority average, and these classes were the largest in the school, so it would therefore become a greater challenge to deliver this provision if numbers decreased further. The Senior Challenge Advisor for the Central South Consortium then detailed for the Committee that appropriate challenge for more able pupils in Key Stage 2 was identified as a recommendation in the Estyn inspection in 2014 and would therefore, she suggested, be a line of enquiry in the next inspection. Mrs. Hudson then explained how the Primary School fell within the Welsh Government model of school categorisation, detailing that most recently the school had been judged as having an improvement capacity of B and overall support category of Yellow. She then summarised for the Committee the differences between improvement capacities B and C in the national categorisation model, and noted that a school in the Yellow support category was an effective school which was already doing well and knew the areas it needed to improve, however still required additional support. It was again confirmed that in the Vale of Glamorgan over half of primary schools were categorised as Green with an improvement capacity judgement of A.

The Committee was informed that since the last inspection of Llancarfan Primary School, Estyn was now using a different inspection framework and therefore the definitions of good progress had changed. In her opinion, the Central South Consortium Officer stated that there were key aspects that were judged as good that could now be scrutinised differently if the school was inspected. For example, in their last inspection, Estyn noted that "nearly all pupils make good progress from their starting points". However, in 2018, 37.5% of pupils were making good progress, which was lower than the Local Authority average and she felt Estyn would say this was a minority. It was also noted that improving reading and writing in Welsh was an area that Estyn recommended progress, and whilst reading scores at the primary school had improved above the Local Authority average, the writing scores at level 5 were much lower. Estyn had also recommended that marking procedures be consistent across the school so that pupils knew how to improve their work, however the Committee was informed that the school had undertaken a great deal of work in relation to this recommendation, and this had been reviewed by the challenge

adviser who confirmed this was now consistent across the school. The Central South Consortium Officer was also concerned that Llancafarn Primary School was only one of three primary schools in the Vale of Glamorgan with no nursery provision.

Mrs. Hudson then provided the Committee with factors that led to the success of 21<sup>st</sup> Century Schools, with new facilities and built-for-purpose designs offering greater integration with learning opportunities. The Central South Consortium Officer also made reference to the Successful Futures report, an independent review of curriculum and assessment arrangements and stated that all schools should be in the process of planning and preparing for its introduction, but as a small school, she informed the Committee that Llancafarn Primary School would have difficulty in releasing staff to engage with other schools in this key area of development. The new facilities would also reflect positively in the aims of the National Curriculum and the Digital Competency Framework, which would be difficult to achieve with the school at its current location.

In conclusion, Mrs. Hudson asked the Committee to acknowledge Llancafarn Primary School's Mission Statement which was "the best that we can be", and stated that the proposals would help the school provide a 21<sup>st</sup> century curriculum that excited and inspired every pupil and provided the best possible opportunities, and would promote high achievement and help children reach their full potential.

With regards to the educational validity, quality and standards in education of the proposal, a Member sought clarification on the language used by Estyn to describe the school, which sounded like the site was in an urban environment, and asked if Estyn only focused on the grounds of the site in isolation, and could not consider the rural setting of Llancafarn Primary School. In response, the Central South Consortium Officer stated that Estyn did consider other facilities nearby, however they had identified significant limitations on the Llancafarn Primary School site, for example the limited sporting facilities. In comparison, Ysgol y Deri offered modern facilities that were fit for purpose.

In response to a query from a Member who sought more information on the delivery of the Digital Competency Framework at Llancafarn Primary School, the Central South Consortium Officer confirmed that the school had not engaged with their School Improvement Group, and struggled with staff cover. In her opinion, the school could work towards the Digital Competency Framework, however she did not believe the school was ready to achieve the aims of this Framework. The Head of Strategy, Community Learning and Resources also listed the restrictions facing Digital Competency due to the existing Llancafarn Primary School site, which resulted in technical and practical limitations which would lead to it being difficult for the school to achieve the Digital Competency Framework in full.

The next public speaker, Mr. Stephen Parry, who was a parent of previous Llancafarn pupils, was then invited to make representations to the Committee.

Mr. Parry stated that since the consultation for the proposal to reconfigure primary provision in the Western Vale had started, the numbers of pupils at the school had dropped. Mr. Parry stated that the information that was sent to parents with regards to educational validity and viability of the different proposals by different options was

biased, and queried why, if the report was so critical of the quality and standards in education available at Llancarfan Primary School, were the staff who were delivering this education also being transferred. Mr. Parry stated that Estyn had been quoted to the Council's benefit, and stated that many changes that took place in education were unsuccessful if they were based on a lack of research and evidence. In his opinion, the member of the public stated that there was not enough evidence in the proposals to show that they would benefit the children of the future, and queried if the solution to the future of primary provision in the Western Vale should rely on closing a rural primary school.

The report stated that a new 21<sup>st</sup> Century school would improve learning and quality and standards in education, and Mr. Parry queried how this would be achieved. With regards to the mixed class sizes in Llancarfan Primary School, Mr. Parry stated that Estyn did not find evidence of the teaching quality suffering as a result of this. He also stated that a digital curriculum could be delivered successfully in Llancarfan Primary School. The report gave consideration to the quality of teaching on offer at Llancarfan Primary School, and Mr. Parry stated that he, and many other parents, agreed that play, socialisation and interaction with the environment were more important than children using digital devices such as mobile phones. Mr. Parry believed that the Council may want schools to instead teach socialisation, and Llancarfan Primary School was a good environment for this.

The public speaker stated that the report was concerned about pupil outcomes, however he told the Committee that Estyn said the learning environment at Llancarfan Primary School was varied and stimulated, providing a good learning environment and the pupils at the school performed well academically. Finally, he stated that Welsh Government were considering rural schools as a priority, as they provided quality and standards in education that would not otherwise be picked up in data, and this had not been covered in the consultation report. Instead, the Council was making an economic argument, and not an educational argument.

Following representations from the member of the public, the Director of Learning and Skills clarified that the expert witness, Morwen Hudson, worked for the Central South Consortium which had provided categorisation data inside the consultation report, that expanded upon the qualitative data as detailed in the document.

There being no further points of clarification, a Member of the Committee stated that he had various concerns with the report. Firstly, the report stated that the current building of Llancarfan Primary School was not fit for purpose, with the Member stating that something being unfit for purpose would not happen overnight, and queried why this had not been resolved earlier. He then noted that the report discussed educational outcomes which placed the interest of learners above all else, however it had been discussed at the Committee that standards would only be at least maintained, and it did not appear the proposals would guarantee improved results, instead transferring the issues at one school to another so might not be addressed as part of the new building. The Member was not comfortable with the characterisation of Llancarfan Primary School as an unsatisfactory school when it had been deemed "good" by Estyn; if the Council could confidently predict the proposals would provide "excellent" judgements by Estyn this would be another matter, however this was not guaranteed.

In response, the Director of Learning and Skills stated that the Council had to consider raising standards in education as part of the School Organisation Code, and was committed to supporting learner journey and providing schools that were judged excellent. She noted, however, that Llancafarn Primary School when last inspected four years ago was not Excellent, and using the updated figures from Central South Consortium, officers were of the opinion that the school building was a limiting factor. All things being equal, the Director believed that excellence could be achieved at Llancafarn Primary School but could never be guaranteed, as excellent leadership and teaching was essential, and a new building alone could not deliver excellence. With regards to Estyn's response to the proposals, concerning standards of education provision, she urged the Committee to read their response to the consultation exercise which stated that the Vale of Glamorgan Council had presented a sound rationale for the proposals.

The Chairman noted that there were many new schools being developed in the Vale of Glamorgan, and after site visits she had noticed that the venue as well as the teaching had a new vitality. She asked officers if this vitality could be borne out in this case, and if it could be qualified. In response, the Central South Consortium Officer stated that St. Cyres Comprehensive School had moved into a new building as part of the Penarth Learning Community and had fantastic results and standards of education, and she believed that the new environment had had a positive impact on outcomes. She also stated that Ysgol y Ddraig, which had resulted from an amalgamation of schools into a new building, had not been inspected by Estyn but was achieving standards higher than previously.

Finally, the Central South Consortium Officer stated as a point of clarification that she had never referred to Llancafarn Primary School as an underperforming school. In agreement, the Director of Learning and Skills provided examples of schools in the Vale that had seen improved results since moving into new buildings, with Cadoxton Primary School providing a clear example of a 21<sup>st</sup> Century school that received an excellent inspection from Estyn, having received three excellent judgements out of the five categories at its most recent inspection. Ysgol y Deri, which was an amalgamation of three Special Schools, one of which had transferred from Barry to Penarth, had also received an excellent judgement from Estyn for its leadership and partnership work.

With regards to investment in schools, the Head of Strategy, Community Learning and Resources confirmed that the Council had to take advantage of Welsh Government applications for funding, which at present was focused on 21<sup>st</sup> Century schools.

A Member of the Committee noted that excellent judgements had been received from Estyn for other schools in the Vale of Glamorgan that were in Victorian buildings, and the speakers at the Committee were satisfied with the educational provision received at Llancafarn Primary School. She then queried where extracurricular activities took place at Llancafarn Primary School. Officers responded that while Cadoxton Primary School was located in an old building, inside this was not the case, as it offered facilities that were the most modern in the Vale of Glamorgan with the exception of a new build and was therefore fit for purpose. With regards to a question on the precise rationale for considering proposals on Llancafarn Primary School, the Head of Strategy, Community Learning and



Resources stated the provision of education could not be looked at in isolation as the Council had responsibility for over 50 schools and over 20,000 pupils, therefore discussions on proposals to reconfigure primary provision in the Western Vale would also have to consider mainstream funding at places across the whole Local Authority. He confirmed for the Committee that the school had to pay for the use of community facilities in the village of Llancarfan, which while being a small figure, was still a claim on resources and had to be considered as part of any obstacles to curriculum delivery.

Finally, the Director of Learning and Skills stated that with regards to the Section 106 funding for new developments in Rhoose, it was important for the Committee to consider that if this funding was spent on an education site that did not meet the Welsh Government's Building Bulletin Regulations, then the Council would not be able to access match funding.

The Chairman sought more information on Llancarfan Primary School's placing in the standards and improvement categories, querying if the results suggested if progress was being made to bring about improvements, or if a plateau had been reached. In response, the Central South Consortium Officer stated that the categorisation of Llancarfan Primary School as Yellow was not a cause for concern as it identified that capacity for improvement was available, however Estyn would consider as a line of enquiry why the more able children at Llancarfan Primary School were not meeting higher standards.

(f) Next Steps / Summary

For the final section of the report presentation, the Head of Strategy, Community Learning and Resources informed the Committee of the timeline of the proposal.

To progress the proposal a statutory notice had to be published providing 28 days for objections. The notice must be published on a school day and with 15 school days included within the notice period. Following the publication of a statutory notice and objection period, a further report to Cabinet would be issued on the outcome of the statutory notice period.

The Officer noted that the Council was still early on in the decision-making process, which was reflective of the statutory guidance and offered the Western Vale with a 21<sup>st</sup> Century primary school that provided an opportunity that met the needs of future pupils. Finally, the Head of Strategy, Community Learning and Resources stated that it was important to consider the community input which had not been invalidated by the proposals that met the needs of statutory guidelines.

At this point in proceedings, the final public speaker, Dr. Rebecca Farquharson, was invited to make her representations to the Committee.

Dr. Farquharson stated that since the proposals had been put forward by the Council, Llancarfan Primary School had been designated by Welsh Government as the Vale of Glamorgan's only rural school. As such, the school now had fantastic opportunities to take advantage of the 21<sup>st</sup> Century funding available, which could be used in existing buildings. Dr. Farquharson stated that the business case for the

proposed reconfiguration of primary provision in the Western Vale was yet to be approved and the Cabinet Secretary for Education had stated that Local Authorities should be minded of the direction of policy travel in this area and the public speaker therefore considered that the Council was treading a fine line with regards to the Welsh Government vision for rural schools and as such the Council's business case could be challenged by Welsh Government.

Dr. Farquharson therefore urged the Committee to consider alternative proposals for primary provision in the Western Vale as Llancafarn Primary School could now access £10m rural funding. This would directly resolve all of the issues raised by the Council, and enhance existing buildings and facilities. The public speaker stated that a local architect had deemed it possible to convert existing space within the school hall to provide two new classrooms in the roof space, which would allow the removal of at least three of the temporary classrooms which could then be removed to allow various play areas and she asked why the Council had not considered this option.

In her opinion, Dr. Farquharson stated that the expanding of the existing Rhws Primary site had not been considered in full, as there was space available at the rear of the building and safe access available from Station Road, which could allow a Foundation Phase at Rhws School. She also informed the Committee that the Welsh Government Cabinet Secretary for Education had stated that 210 place schools were not necessary, and there were no requirements for schools with lower numbers of pupils on the roll. The combined approach she had outlined above, she felt, would meet the needs of both communities in Llancafarn and Rhose.

In summary, Dr. Farquharson stated that there was an overwhelming dismissal of the proposed reconfiguration of primary provision in the Western Vale, which had not been properly evidenced. Dr. Farquharson stated that workable alternatives were available that were more fitting for rural schooling and strengthened local communities. She did not want a divided community, and it was clear that the community of Llancafarn did support the proposals as 92% of those consulted were in opposition. Dr. Farquharson asked the Committee who they thought would benefit from the funding available, or did they really believe that all options had been fully considered.

In conclusion, she stated that the uncertainty was damaging the future of Llancafarn Primary School, and alternative proposals could provide the opportunity to deliver the best standards in education for all.

The Chairman gave thanks to all of the public speakers for their contributions to the meeting and noted that Cabinet had sent the report to the Committee for its consideration and following the meeting, the recommendations of the Learning and Culture Scrutiny Committee would be referred back to Cabinet for Executive decision. She asked if any Members had any final questions for officers that had not been raised at the meeting, before recommendations were moved by the Committee.

A Member stated that it was tremendous to hear from a united community supporting their school. The Member stated that he had two Victorian schools in his Ward that had changed with the times, one by making a move to another location, and another able to expand within its own boundary. He summarised the options presented to Committee, which was that the school site was not fit for purpose and had a low

intake which was blamed in part on the uncertain fate of the school. The Member considered that this was a very difficult decision as the Council had to support the school's community but also consider the bigger picture. He wondered if there were other options available, which could include opening other schools, and if Llancarfan Primary School was viable as it currently stood. The Member stated that rural schools were not just for one village, and pupils could attend from other locations so the transportation to the existing and possible new school had to be considered as any proposals could lead to increased congestion. The Member felt that the debate must continue, however the final result on any proposals would not make the people happy. He urged the Committee to make children and their future the priority, considered alongside the presentations that had been made at the Committee meeting. This was a very difficult decision and the Member asked if there might be another way to consider the reconfiguration of primary provision in the Western Vale.

Another Member stated that he had issues with the impetus for the proposals and the timescales the Council was pursuing. He noted that there were pressures due to the projection of pupil numbers in future, and also funding deadlines. He praised the debate and level of engagement at the meeting, as the Scrutiny Committee had the opportunity to speak to the public directly. He also noted that the nature of the rural structures had not led to other considerations being considered. The Member felt that there were more questions to be asked and options to consider, which could lead to more opportunities.

A Committee Member noted that on 1<sup>st</sup> November 2018, Llancarfan Primary School would be classified as a rural school and the Committee was being asked to make a decision before this date, where extra funding could be made available. For this reason, she felt it would be remiss of the Committee to recommend anything to Cabinet before other ideas could be put forward. The Chairman sought more information from officers on this point and the Head of Strategy, Community Learning and Resources stated that the Council as the proposer commenced its consultation before 1<sup>st</sup> November 2018 thus the proposal must be published and determined in accordance with the first addition of the code. The Council had published its consultation document as required by the code before the 1<sup>st</sup> November 2018, accordingly, any proposal must be published and determined in accordance with the first edition code.

The Director of Learning and Skills also confirmed that the consultation report had been published under the existing guidelines, and stated that future guidelines would include a presumption against closure for rural schools, however confirmed that the Council's proposal was for a regulated alteration and not a closure.

A Member of the Committee stated that he was not happy with the way the consultation process had been conducted. The report made reference to the School Organisation Code and the Council may have met its legal obligations, however he considered it in the Council's best interests not to proceed hastily. He noted that the Welsh Local Government Association Consultation Guide gave local people a voice, and he did not feel that had happened in the consultation for the proposed reconfiguration of primary provision in the Western Vale. He stated that there was a difference between listening and hearing, and wanted a constructive dialogue and in his opinion, this had not happened. As Elected Members, he pointed out that the Committee must avoid predetermining an argument and he felt that officers were

doing this. He felt that a decision had been made, but he had not heard what problems were trying to be solved in the business case. For example, he raised concerns regarding the calculations for the 90 surplus places in the Rhoose area, stating this was a prediction and the Council could not be certain what the population would be like in 2020-23. The Member stated he also had concerns about the business case timing and felt he was being pushed into make a premature decision as the funding and need for places originated from Rhoose developments. These were split into two halves, and the second development had not commenced with no planning permission confirmed. He would understand the compulsion if this was so, and thought that the development was likely to happen, however informed the Committee that Brexit might have an impact on housing and the economy that meant the Council should not rush into this decision. The Member clarified with officers the surplus places comprised from the 787 new dwellings in Rhoose and whether they were on the north or south of the railway line dwellings. He concluded that these would be completed too far away in the future for his liking, and it was too early to make such a huge decision. The Member then summarised his position stating that he felt the predicted school places were not guaranteed, he did not like the consultation process, and if the Scrutiny Committee accepted the proposals for reconfiguration of primary provision in the Western Vale, the Council would risk losing trust. He had questions over the funding and the business plan which sought to improve educational outcomes, however was not guaranteed. He stated that the Committee had heard of Victorian schools that had achieved excellent outcomes, and felt that Llancafarn Primary School could achieve these levels with support. As such, he could not support the proposal in its current format and wished for more time to consider all the options and create an environment where all the facts could be considered.

The Chairman sought more information on the business case timings for the Band B 21<sup>st</sup> Century School funding. In response, the Director of Learning and Skills stated that there were two timing restrictions for the funding. Firstly, Section 106 funding was provided to the Council in tranches and had expiry dates, and secondly, the 21<sup>st</sup> Century School Funding Programme timing had been agreed with regards to match funding. She considered this a lesser issue due to the ability to slip funding, however the timescales for the Section 106 funding were tight and had to be matched with the Welsh Government grant. In response to a question from a Member as to whether the Section 106 deadlines could be extended, the Director stated that this has sometimes been possible, but could not be guaranteed so was still a significant risk.

At this point in the proceedings, a Member was asked if, as he was Chair of the Governing Body of Rhws Primary School who had submitted representations against the proposal as part of the consultation report, if he should declare an interest in this item. In response, the Member indicated that he would not answer this question.

There being no further questions or comments on the proposed reconfiguration of primary provision in the Western Vale, the Chairman asked if Members would like to move any recommendations.

A Member requested that the proposal be deferred to adequately consider the other points raised at the meeting, bearing in mind the timescales of the Section 106 payments, so Cabinet could consider the proposal in further detail. Another

Member clarified that the deferral should allow a genuine consultation exercise to be undertaken to allow the community to work with the Council for alternative solutions.

Following a vote, it was subsequently

**RECOMMENDED – T H A T** Cabinet further engage with the community to explore other options that consider the future of primary provision in Llancarfan and the rest of the Western Vale.

Reason for recommendation

To explore other options that considered the future of primary provision in Llancarfan and the rest of the Western Vale.

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Cabinet, having considered the recommendations of the Learning and Culture Scrutiny Committee,

**RESOLVED – T H A T** the recommendation of the Learning and Culture Scrutiny Committee and the comments made at the meeting be noted and considered alongside the Supplementary Report for the Reconfiguration of Primary Provision in the Western Vale later in the agenda.

Reason for decision

To consider the recommendations of the Learning and Culture Scrutiny Committee, and the comments made at the meeting, alongside the Supplementary Report later in the agenda.

**C442 SUPPLEMENTARY REPORT: RECONFIGURATION OF PRIMARY PROVISION IN THE WESTERN VALE (LC) (SCRUTINY COMMITTEE – LEARNING AND CULTURE) –**

Cabinet was provided with additional detail following issues raised at the Special Learning and Culture Scrutiny Committee meeting held on 1<sup>st</sup> October, 2018.

The Cabinet Member for Learning and Culture confirmed that in presenting the report to Cabinet, he would give a briefing to ensure the Cabinet fully understand the implications contained within the report. At the outset he asked Members to confirm that they had had an opportunity to fully consider and digest the report, including appendices A, B, C, and D of Annex i attached to the report. All Cabinet Members confirmed that they had.

The Cabinet Member for Learning and Culture proposed a stepped approach in looking at all aspects of the report which incorporated the salient points from the appendix documents. He would then invite Cabinet Members to ask any further questions to officers present at the meeting before concluding with the final resolutions.

Cabinet was asked to consider the proposal with additional detail following the issues raised at the Extraordinary Learning and Culture Scrutiny Committee held on the 1<sup>st</sup> October, 2018. Cabinet was also asked to consider again the Cabinet Report of the 17<sup>th</sup> September, 2018 in light of the issues raised at the Extraordinary Learning and Culture Scrutiny Committee on the 1st October 2018, the Consultation Report and the other appendices to this report including Community Impact Assessment, the Equality Impact Assessment and the Consultation Document. The Cabinet Member noted that Cabinet should have had full regard to the Scrutiny reference which was included as part of Cabinet's agenda as agenda item 7. Cabinet should consider the proposal for regulated alternations to Llancafarn Primary School with effect from September 2021, which would involve the following events:

- Creating a new 210 place primary school building with a 48 part time place nursery class for Llancafarn Primary School;
- Transferring staff and pupils from the existing Llancafarn Primary School building into the new school building, and;
- Changing the age range of Llancafarn Primary School from 4-11 to 3-11 years.

The Member asked Cabinet to confirm that they had considered the report, and the appendices to the report including the reference to Cabinet. All Members confirmed they had.

Having considered all the information before it, the Cabinet Member for Learning and Culture informed Cabinet that should they decide to progress the proposals further, through approving the publication of the proposal for the regulated alterations in the form of a statutory notice, he noted that major investment towards a new school building set out in the proposal was subject to the necessary funding being approved by Welsh Government.

On 17<sup>th</sup> September, 2018 Cabinet considered a report on the Reconfiguration of Primary Provision in the Western Vale. The report provided the following recommendations:

- (1) That Cabinet considers the report, the consultation report and other appendices included as part of this report.
- (2) That Cabinet approves the publication of the consultation report on the proposal.
- (3) That Cabinet considers the proposal for regulated alterations to Llancafarn Primary School with effect from September 2021.
- (4) That should Cabinet decide to progress the proposals further, Cabinet approves the publication of the proposals for the regulated alterations in the form of a statutory notice.
- (5) That Cabinet note that the major investment towards a new school building set out in the proposal was subject to the necessary funding being approved by Welsh Government.

Having regard to the report and comments made at the meeting the following resolutions were moved by the Deputy Leader and seconded by the Cabinet

Member for Regeneration and Planning and endorsed by the Cabinet Member for Learning and Culture; and subsequently Cabinet:

RESOLVED:-

- (1) T H A T the report, consultation report and other appendices included as part of the report together with the written representations received at the meeting be noted.
- (2) T H A T the publication of the consultation report on the proposal be approved.
- (3) T H A T recommendations 3-5 as set out in the report be not progressed at that stage.
- (4) T H A T the report, consultation report, included appendices, and the written representations received at the meeting be referred to the Learning and Culture Scrutiny Committee for consideration.

Reasons for decisions:-

- (1) To ensure that all relevant information was considered by Cabinet in reaching a decision on whether to publish a statutory notice on the proposal.
- (2) To ensure the Local Authority met the legal requirements of the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code 2013.
- (3&4) To seek the views of the Scrutiny Committee prior to final decisions being reached.

On 1<sup>st</sup> October, 2018 a special meeting of the Learning and Culture Scrutiny Committee was held in accordance with resolution (4) above. The meeting was dedicated to the single agenda item of the referral to ensure members of the public could speak across a range of headings pertinent to the report, and to allow appropriate time for meaningful discussion.

The meeting was arranged under a number of sub-headings which members of the public were able to speak to. At the Chair's discretion, the standard allotted time was extended for public speaking to ensure adequate time for speakers to present their statements for the consideration of Members. Officers presented the relevant information contained within the Consultation report to the Committee under each heading prior to speakers offering their viewpoint to Members. Members were then able to seek clarification on any points and/or to ask any questions. Through the Members' discussion, a number of important issues were raised by public speakers. A complete record of minutes and supplementary information tabled on the evening was contained within agenda item 7 earlier in the Cabinet agenda.

Members were asked to confirm that they had considered the complete record of minutes and the supplementary information contained within agenda item 7, earlier in the Cabinet agenda. All Members confirmed that they had.

Following on from paragraph 9 in the report, a précis of the issues raised during the Scrutiny discussion was presented alongside the relevant section of the consultation report at Annex i attached to the report, Appendix A, for Members reference. It was noted that any additional points of clarification for Member's consideration following the statements provided had been included in the table in the report.

The Cabinet Member for Learning and Culture advised his colleagues that Cabinet, in considering these proposals and all of the information before them once again, needed to have full regard to the Legal Implications. He asked Members to have due regard to paragraphs 30 to 72 of the report inclusive, before reaching any decision and subsequently asked if Members had once again read and considered this information and had regard to the legal implications arising. All Members agreed.

The Member then reminded Cabinet that the Council had general duties under the Education Act, as outlined in the report at paragraphs 30 to 33. The Council had powers under the School Standards Organisation (Wales) Act 2013 to make proposals to make a regulated alteration to a community school. Paragraph 17 of the report set out the basis of the Council's proposal amounting as it did to a regulated activity as defined in Schedule 2 of the 2013 Act.

The Council was required when acting under the provisions of the 2013 Act to comply with the School Organisation Code 2013, which could be found via the link included in paragraph 34 of the report. The Cabinet Member for Learning and Culture asked Cabinet if they were satisfied that the Council had acted in accordance with the Act and the Code. He therefore reminded Cabinet Members that they had to fully satisfy themselves that there was sufficient evidence before them to demonstrate that the Council was meeting its duties as outlined.

Members then confirmed that they had had regard to the Council's consultation on its proposals. The Cabinet Member stated that this was important as a number of issues were raised at the Scrutiny Committee relating to the Council's consultation on its proposals and which were considered within the body of the report.

Once again, the Cabinet Member reminded colleagues of the Council's duty to comply with the public sector equality duty as provided for by Section 149 of the Equalities Act 2010 when reaching a decision on the proposals outlined in the report. What Members were asked to have regard to, in being satisfied that this duty was being met, was set out fully at paragraphs 54 to 67 of the report which explained what the section 149 duty was. These matters were fully examined in the Equality Impact Assessment which could be found at Section 7 of Annex i attached to the report, at Appendix C. Cabinet was asked that they had full regard to this, and all Members confirmed that they had.

Cabinet was informed that the Council had to comply with the public sector equality duty (section 149 of the Equality Act 2010) when coming to a decision on the proposal. Section 149 required the Council to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that was prohibited by or under the Equality Act 2010;
- Advance equality of opportunity between persons who shared a relevant protected characteristic and persons who did not share it;
- Foster good relations between persons who shared a relevant protected characteristic and persons who did not share it: Equality Act 2010 s149 (1).

The relevant protected characteristics were: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation: section 149 (7) of the Equality Act.



Section 149(3) of the Equality Act stated that having due regard (that was appropriate in all the particular circumstances in which the Council was carrying out its functions) to the need to advance equality of opportunity and which involved due regard, in particular, was the need to:

- Remove or minimise disadvantages suffered by persons who shared a relevant protected characteristic that were connected to that characteristic;
- Take steps to meet the needs of persons who shared a relevant protected characteristic that were different from the needs of persons who did not share it;
- Encourage persons who shared a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons was disproportionately low;
- The steps involved in meeting the needs of disabled persons that were different from the needs of persons who were not disabled include, in particular, steps to take account of disabled persons' disabilities.

Members also had to pay regard to any countervailing factors, which was proper and reasonable for them to consider. Improving the quality of education in the Council's area, making schools more efficient, budgetary pressures and practical factors would often be important, which were brought together in the Resource Implications (Financial and Employment) section of the report. The weight of these countervailing factors in the decision making process was a matter for Members in the first instance.

The Cabinet Member for Learning and Culture advised that Cabinet should be aware that the duty was not to achieve the objectives or take the steps set out in section 149. Rather, the duty on public authorities was to bring these important objectives related to discrimination into consideration when carrying out its public functions (which included the functions relating to school reorganisations). The Equality Impact Assessment attached at Appendix C on the proposal included a summary of any possible adverse impacts and how they might be avoided. Officers had sought to investigate whether the proposal would result in some adverse impact on people sharing any of the protected characteristics. The Equality Impact Assessment concluded that there was no real risk of direct or indirect discrimination as the Council was pursuing a legitimate aim (namely, improving the capacity and efficiency of education) and any decision to publish the proposals to make regulated alterations was a proportionate means of achieving that aim.

The Member stated that there had to be an evidence base for its decision making, achieved by means including engagement with the public and interest forums and by gathering details and statistics on those who used Llancafán Primary School, and how the school was used. Members had to give careful consideration of the Equality Impact Assessment and its findings as it was one of the key ways in which Members could show due regard to the relevant matters. He noted that all the evidence for this was set out in Appendix C and summarised in section 7 of Annex ii which was informed by the consultation undertaken, which Members were required to have full regard to.

The Cabinet Member for Learning and Culture asked if Members were satisfied that there was sufficient justification to proceed on the basis of this information, so that Cabinet were fully satisfied that they could proceed as recommended. Members of Cabinet confirmed that they agreed (save for Councillor Kemp who made no comment).

He referred Members again to the Community Impact Assessment which was attached at Appendix B. The salient points were summarised at paragraphs 70 to 81 of the 17<sup>th</sup> September, 2018 Cabinet report and were contained in the table provided at paragraph 78 of that report, which was a summary of the key information to remind Members of that which was contained in Appendix B. Members were asked to recall that despite the fact that the Code did not require a community impact assessment in respect of the proposal made, the Council nevertheless thought it would be prudent to produce a thorough Community Impact Assessment given that under the proposal as a regulated activity, the existing site in Llancarfan would become surplus and the school would move to a new site in Rhose.

The Community Impact Assessment identified that the proposal overall would likely result in a slight to moderate improvement for the wider community. The Member stated that this demonstrated that the Council had had due regard to the duty, based on a full investigation undertaken by Officers, as outlined in the report.

The Cabinet Member for Learning and Skills then invited his fellow Cabinet Members to confirm that they were satisfied that the report and recommendations fully addressed the Council's statutory duties and the equality duties. Members were asked to confirm that from the perspective of the equality impact assessment undertaken that there was sufficient justification to proceed on the basis of this information and any measures proposed to mitigate any adverse impact had been appropriately addressed so that Cabinet were fully satisfied that they could proceed as recommended. Cabinet agreed (save for Councillor Kemp who made no comment).

Members were then asked to confirm that they were satisfied that the report and recommendations fully addressed the Council's statutory duties and the equality duties. Members were asked to confirm that from the perspective of the equality impact assessment undertaken that there was sufficient justification to proceed on the basis of this information and any measures proposed to mitigate any adverse impact had been appropriately addressed so that Cabinet were fully satisfied that they could proceed as recommended. Cabinet agreed (save for Councillor Kemp who made no comment).

The Cabinet Member for Learning and Culture also asked Cabinet to consider the legal implications of the Wellbeing of Future Generations (Wales) Act 2015, as Members had have regard to the matters set out in paragraphs 68 to 72 of the Cabinet Report. All Members agreed.

The Well-being of Future Generations Act 2015 ("the 2015 Act") required the Council to think about the long-term impact of their decisions, to work better with people, communities and each other and to prevent persistent problems such as poverty, health inequalities and climate change.

To make sure the Council worked towards the same purpose, the 2015 Act put in place seven well-being goals. The 2015 Act made it clear the listed public bodies had to work to achieve all of the goals, not just one or two, these being:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and Welsh Language
- A globally responsible Wales

The 2015 Act imposed a duty on all public bodies in Wales to carry out “sustainable development”, defined as being, “The process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals”. The action that a public body took in carrying out sustainable development included setting and publishing well-being objectives, and taking all reasonable steps in exercising its functions to meet those objectives.

The 2015 Act set out five ways of working needed for the Council to achieve the seven well-being goals, these being:

- The importance of balancing short-term needs with the needs to safeguard the ability to also meet long-term needs;
- Considering how the Council’s objectives impacted upon each of the wellbeing goals listed above;
- The importance of involving people with an interest in achieving the well-being goals and ensuring that those people reflected the diversity of the area which the Council serviced;
- Acting in collaboration with other persons and organisations that could help the Council meet its wellbeing objectives;
- Acting to prevent problems occurring or getting worse.

The objectives and actions in relation to the Council's duty of care set out above were reflected within the report, the Community Impact Assessment (Appendix B) and the Equality Impact Assessment (Appendix C). Finally, the Cabinet Member for Learning and Culture then asked Members to confirm that they had had due regard to the legal implications of the Wellbeing of Future Generations (Wales) Act 2015 in reaching a decision on the proposals. All Members agreed. The Cabinet Member tabled the Welsh Government Rural Education Action Plan as supplementary information to this item, for Members’ consideration.

The Cabinet Member for Learning and Culture then asked if his colleagues had any questions on the report.

The Cabinet Member for Regulatory and Legal Services noted that the referral from the Learning and Culture Scrutiny Committee highlighted concerns regarding the engagement carried out by the Council, with some feeling that it was not meaningful. He asked if the Cabinet Member for Learning and Culture was satisfied that the

Council's engagement for these proposals had been sufficient and meaningful. In response, the Cabinet Member for Learning and Culture stated that the engagement had been carried out to a sufficient and meaningful level. To expand on that point, the Head of Strategy, Community Learning and Resources detailed for the Cabinet the various consultation exercises undertaken, including meetings with the staff and governing body, group sessions with pupils at the primary school, drop in sessions in the Llancarfan and Rhoose areas, over 1,000 pieces of correspondence received, two opportunities to engage with the Learning and Culture Scrutiny Committee and a number of public questions submitted to Full Council. Cabinet was informed that all of this information was available for Members' consideration, and the officer considered that this was sufficient, and he highlighted that the consultation had been meaningful as the second consultation exercise had been undertaken to reflect the initial comments from the first exercise.

The Cabinet Member for Regeneration and Planning queried if the department was sacrificing the education of current pupils to access funding. In response, the Head of Strategy, Community Learning and Resources stated that this was not the case. The Council had to comply with its legal obligations in providing pupils with a 21<sup>st</sup> century school. Estyn had reviewed the proposals as part of the consultation, and indicated that the proposal to reconfigure primary provision in the Western Vale was following strong principles that would allow additional learning opportunities for pupils.

In response to a question from the Cabinet Member for Neighbourhood Services and Transport regarding the accuracy of projected figures in the proposals, the Head of Strategy, Community Learning and Resources stated that this had been considered in depth at the Scrutiny Committee meeting, noting that evidence was based on variables so the Council had evaluated previous predictions on projected figures of pupils. He informed Cabinet that previous predictions had been accurate to within 3%, and the prediction method had been sanctioned by the Wales Audit Office as appropriate.

The Cabinet Member for Housing and Building Services drew Cabinet's attention to the Welsh Government Rural Education Action Plan which had been tabled as supplementary information, and queried if Llancarfan Primary School was classified as a Rural school in the Welsh Government School Organisation Code, would it be able to access a £10m fund. In response, the Director of Learning and Skills noted that the Welsh Government Rural Education Action Plan stated that the £10m fund was the Small and Rural Schools Grant and was already being accessed by Llancarfan Primary School. Further information was provided on pages 13 and 14 of the Supplementary Cabinet report, and on pages 11 and 12 of the Rural Education Action Plan. The Director confirmed that the Small and Rural Schools Grant was not limited to schools with a "Rural" designation and instead was determined by Local Authorities, so the Council had already put a bid together for its rural cluster of primary schools, and Llancarfan Primary School had already benefited from this funding for the past two years. Further, the Director confirmed that this funding was for the whole of Wales, so for 2017/18 and 2018/19, Welsh Government had distributed £2.5m per year, which was then allocated to each Local Authority. For the Vale of Glamorgan this had amounted to £56k. The Council had used this funding to raise standards in Maths, and the 2018/19 bid would be used for Additional Learning Needs provision. In conclusion, the Director of Learning and Skills stated that the

Small and Rural Schools Grant was not new funding, was not for Llancafarn Primary School alone, was capped to each Local Authority, and could not supplement core funding. As a point of clarification, the Cabinet Member for Social Care, Health and Leisure queried if when Llancafarn Primary School was classified as a 'Rural' school by Welsh Government would it gain any preference for funding. The Director confirmed that the funding was for both small and rural schools, so the Council was not required to restrict the fund and the £56k had benefitted six schools in the Vale of Glamorgan.

Following on from the questions on funding for schools, the Leader queried what effect the falling intake at Llancafarn Primary School would have on the school budget. Based on current predictions, the Director of Learning and Skills informed Cabinet that for the next financial year, Llancafarn Primary School would have about £100k less in its budget. Future years depended largely on the future numbers of pupils, and as such reducing pupil numbers had a significant financial impact. The Leader then asked how this could be mitigated. The Director confirmed that the Council worked closely with any school that was operating a deficit, to identify ways to balance budgets and schools were expected to put together a budget recovery plan which usually ran for three to five years.

The Leader stated that he had been informed of significant opposition to this scheme, and asked if the Council knew where opposition was coming from, specifically from the Rhoose area. The Director of Learning and Skills stated that as part of the written consultation exercise, the postcode of respondents was not asked, so could not be specified to one particular location, however for online responses, officers had looked at the content of the responses. She confirmed that 13 responses from the first consultation exercise had been received from the Rhoose area, particularly in relation to the use of Section 106 funding and the desire to see it used for the current Rhws Primary School. For the second consultation exercise, the Leader was informed that 65 responses had been received which were similarly requesting the use of Section 106 funding for Rhws Primary School. Finally, Cabinet was informed that the two drop-in meetings in the Rhoose area had been poorly attended.

The Leader then sought clarification on the possibility of spending Section 106 funding to expand the existing Rhws Primary School. The Director of Learning and Skills stated that Section 106 funding could be used on schools that pupils from the new development were likely to attend, however, Building Bulletin Regulations advised that the Rhws Primary School site was too small to consider expansion, stating that the Council could not just add additional classrooms, additional facilities including toilets and internal and external teaching amenities would also be required. Finally, to maximise funding for a 21<sup>st</sup> century school through match funding from Welsh Government, Cabinet was advised that any proposals should comply with the Regulations.

The Cabinet Member for Regulatory and Legal Services noted that, as discussed previously, reductions in pupil enrolments would lead to reductions in funding, and queried if this would also affect staff who could be fearful that they would face redundancy. The Director of Learning and Skills noted that staffing costs made up the majority of the Llancafarn budget. The issue of staff redundancies would be a matter for the Governing Body, but would have to be considered as part of a budget

recovery plan. Cabinet was also informed that should the proposals go ahead, additional financial protection for the school during the transitional period had been pledged. This would be over and above the protection already provided to the school through the schools funding formula and would safeguard jobs at the school.

The Cabinet Member for Social Care, Health and Leisure stated that he had no questions but wished to take the opportunity to raise some comments. For context the Member highlighted that under an earlier administration and his time as Leader of the Council, the Scrutiny Committee of that time of which the current Cabinet Member for Learning & Culture was a member, considered a recommendation to 'close' Llancafarn Primary school. As such, the Cabinet Member considered it a play on words to call the proposals a transferral when the school, which had been in Llancafarn since the 1870s, would be gone. The current proposals affecting primary provision in the Western Vale were not a 'transfer' or 'migration', but as far as the village of Llancafarn was concerned, should these proposals go ahead in 2021, there would not be a school in the village and this was in effect a closure.

The Cabinet Member noted that the proposals had produced considerable opposition and as Cabinet had done so earlier in the agenda, alternatives should be considered. These proposals similarly impacted businesses and people in the local community and he felt that Cabinet should not pick and choose certain proposals to progress, and instead should take a consistent approach. He noted that two consultations had been carried out, and felt that they had gone badly, including wrong addresses provided by the Council for written responses, and electronic responses being accidentally limited. The Cabinet Member felt that despite the 91% of people who responded to the consultation being opposed to the proposals, their views were not being taken into account. He asked Cabinet to consider that parents sent their children to Llancafarn Primary School because the rural setting was of benefit, and while the report stated that other rural schools were available for parents, he had been informed that they were full. As such, the Cabinet Member felt that this was a very one sided report where consultation comments in favour of the proposal were provided in full, whereas those in opposition were lumped together so they did not provide a true balance of views.

The Cabinet Member accepted that there was a growing demand for school places in Rhoose, however informed his colleagues that citizens in Rhoose were more concerned about upgrading the existing school as they did not want a new school that would divide the community. While Rhws Primary School was a listed building, the Cabinet Member felt that if officers used imagination and engaged creatively with the community, an alternative proposal could be found.

The Member continued that he also had concerns with the arguments for the new 210 place school proposed to be built. He stated that Llancafarn Primary School could not be considered a rural school in future if it was located in a housing estate and questioned whether the expected numbers in the report would be reached. The Cabinet Member noted that three new developments would be in the proposed catchment area, with one already being built. He confirmed that Taylor Wimpey were proceeding with plans to build 350 homes in the Rhoose area, and Persimmon anticipated building an additional 350 homes, however had not submitted any plans for these as yet. These developments had been in the Local Development Plan and Unitary Development Plan since the 1990s, however one part had still not been

developed. The Member felt that Brexit could affect house building in future, and he had made enquiries to staff at Persimmon, who stated that they had no interest in developing the site in the near future. As such, a new 210 place school could have surplus places, noting that a large number of pupils at Llancarfan Primary School came from out of catchment already, and as such other parents seeking a rural setting might not wish to send their children to Rhoose.

In conclusion, the Cabinet Member for Social Care, Health and Leisure stated that the proposals were against the principles the Cabinet stood and should not be rushed through by the end of the month and queried if other areas of the Vale could face a reconfiguration of their education provision. He stated that the Cabinet should take pride in having a rural school and as such should instead develop Llancarfan Primary School as he did not want a "one size fits all" approach to schools and, in his opinion, there had been very little evidence to demonstrate the benefits of the proposal for the current pupils of Llancarfan Primary School. He stated that Rhoose was no longer a village, but a small town and commented that big was not always better. As such, he urged Cabinet to reject the proposals and follow the Learning and Culture Scrutiny Committee recommendations to work with the community to find answers.

The Cabinet Member for Learning and Culture clarified for his colleague that in 2012 he did not Chair the Scrutiny Committee that previously considered surplus school places in the Vale of Glamorgan, instead a multi-party group was formed which looked at surplus places which were subsequently considered by the previous Administration. Money had subsequently been spent on Llancarfan Primary School to reduce the surplus places at the school, however the number of pupils enrolling had still gone down since.

When asked to provide clarification on the projected numbers of school pupils in Rhoose, the Head of Strategy, Community Learning and Resources reiterated that previously the Council had been accurate to within 3%. In response to concerns raised regarding future developments, the officer confirmed that he had been in touch with senior developers who owned the land and they had informed the Council that they still wished to proceed. As such, the Education Department considered it a greater risk that there would not be enough places in future, and this could be a missed opportunity. The Council could only act on the information available at present and act accordingly.

The Cabinet Member for Social Care, Health and Leisure apologised for saying that the Cabinet Member for Learning and Culture had chaired a Scrutiny sub-committee in 2012 considering surplus places, accepting that it had been chaired by Councillor Nic Hodges who is in support of the proposals. The Cabinet Member noted that on the question of numbers attending Rhws Primary, he had been given figures by the Chair of the Rhws Primary School Governing Body that the numbers of pupils attending from Rhoose Point were slightly over 9% less than anticipated.

The Cabinet Member for Learning and Culture then moved to progress proposals for the Reconfiguration of Primary Provision in the Western Vale report, which were seconded by the Cabinet Member for Regeneration and Planning. The Cabinet Member for Social Care, Health and Leisure then moved a counter proposal, to defer

the matter until proper consultation had taken place with the community, which was not seconded.

This was a matter for Executive decision.

Following a vote Cabinet, having considered the report and all the issues and representations contained therein,

**RESOLVED –**

(1) T H A T the proposals be progressed further, and the publication of the proposal for the regulated alterations in the form of the publication of a statutory notice be approved, Cabinet having considered the report, the Cabinet Report of the 17<sup>th</sup> September, 2018, the consultation report and other appendices, the reference received from the Learning and Culture Scrutiny Committee and all the issues raised at the Extraordinary Scrutiny Meeting.

(2) T H A T it be noted that major investment towards a new school building set out in the proposal be subject to the necessary funding being approved by Welsh Government.

#### Reasons for decisions

(1) To ensure that all relevant information was considered in reaching a decision on whether to publish a statutory notice on the proposal; that there were sufficient school places in the Rhoose ward to meet demand through the rationalisation of school provision and the consequent minimisation of additional revenue costs, and to provide a new school building in line with Welsh Government's 21st Century School Programme objectives; and to proceed with the three proposed regulated alterations, including the construction of a new school building for Llancarfan Primary School in Rhoose, moving the site of Llancarfan Primary School to that newly constructed building, expanding the capacity of Llancarfan Primary School and extending the age range of the school to provide for a new nursery class. This would ensure that the Local Authority could meet demand for school places and that Llancarfan Primary School could be brought up to 21st Century School standards, under a more efficient and sustainable model.

(2) To ensure Members were aware that the full investment in the school building described in the consultation documents was dependent on Welsh Government Funding.

#### **C443 LOCAL AUTHORITY GOVERNORS ADVISORY PANEL –**

The minutes of the Local Authority Governors Advisory Panel meeting held on 3<sup>rd</sup> October, 2018 were submitted.

Present: Councillor R.A. Penrose (Chairman, Cabinet Member for Learning and Culture); Councillors L. Burnett; N.P. Hodges, G.C. Kemp, Mrs. R. Nugent-Finn and Mrs. M.R. Wilkinson.



Also present: Councillors Mrs. P. Drake (substituting for Councillor L. Burnett), L.O. Rowlands (substituting for Councillors G.C. Kemp and R.A. Penrose); and Mrs. M. Gibbs (Vale Governors Association).

(a) Declarations of Interest –

The following Members declared an interest as Governors of schools as outlined below:

Councillor L. Burnett, Governor at St. Cyres Comprehensive School;  
Councillor N.P. Hodges, Governor at Ysgol Gwaun y Nant;  
Councillor G.C. Kemp, Governor at Rhws Primary School;  
Councillor R.A. Penrose, Governor at Sully Primary School.

N.B. The above Members withdrew from the room when the relevant schools were being considered.

(b) Guidance Regarding Appointment Process –

The Chairman referred to the guidance regarding the appointment process which was detailed at Agenda Item 2 within the agenda. Appendix 1 provided the list of vacancies, Appendix 2 the policy for the appointment of Local Authority Governors and Appendix 3 the advertisement for Local Authority Governors.

The Panel was also advised that one late application had been received. It was subsequently

RECOMMENDED – T H A T the guidance in respect of the process be noted and the late application be accepted for consideration.

Reason for recommendation

To note the guidance for the appointment process and to allow the late application for consideration.

(c) Exclusion of Press and Public –

RESOLVED – T H A T under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 4 of Schedule 12A (as amended) of the Act, the relevant paragraphs of the Schedule being referred to in brackets after the minute heading.

(d) Applications for Appointment for Current Local Authority Governor Vacancies – (Exempt Information – Paragraph 12) –

RECOMMENDED to Cabinet – T H A T the following appointments be made to the schools as set out below:

School	No. of Vacancies	Appointment

Barry Island Primary School	1	There were no applicants. However, the Panel requested that officers speak to R.E. and J.G to ascertain if either would be interested to take up the vacancy at the school. (**)
Cogan Primary School	1	C. Foster
Cowbridge Comprehensive School	1	Councillor T.H. Jarvie
Dinas Powys Primary School	1	S. Arthur
Gladstone Primary School	1	Councillor P. Drake
Gwenfo C/W Primary School	1	R. Davies
High Street Primary School	1	S. Egan
Jenner Park Primary School	1	D. Griffiths
Oak Field Primary School	1	C. Maher
Palmerston Primary School	3	N. Herbert B. Cleak M. Richardson
Rhws Primary School	1	The Panel requested that officers speak to J.G. to ascertain if she would be interested to take up the vacancy at the school. (**)
St. Athan Primary School	1	A.M. Little
St. Cyres Comprehensive School	2	E. Austin M. Lewis
St. Illtyd Primary School	1	There being no applicant, the vacancy to be deferred to the next Panel meeting.
St. Nicholas C/W Primary School	1	There were no applicants. However, the Panel requested that officers speak to R. D. to ascertain if he would be interested to take up the vacancy at the school. (**)
Sully Primary School	1	W. Ellis
Y Bont Faen Primary	2	Councillor G. Cox The Panel requested that officers speak to G.P. to ascertain if he would be interested to take up the remaining vacancy at the school. (**)
Ysgol Gwaun y Nant	2	N. Dryburgh The Panel requested that officers speak to G.G. to ascertain if he would be interested to take up the remaining vacancy at the school. (**)
Ysgol St. Curig	2	M. Thomas The Panel requested that officers speak to G. G. to ascertain if he would be interested to take up the remaining vacancy at the school.(**)

Ysgol y Deri	2	T. Exell D. Jackson
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### Reason for decisions

To allow Cabinet to consider and agree appointments to the above schools' Governing Bodies and for officers to contact the applicants outlined above (\*\*) and in order to advise Cabinet accordingly.

**N.B.** Councillor N.P. Hodges was appointed to the Chair, in the absence of Councillor R.A. Penrose, only in respect of the appointment of a Governor for Sully Primary School as Councillor Penrose withdrew from the meeting for that item.

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The Cabinet Members for Neighbourhood Services and Transport, Regulatory and Legal Services, Social Care, Health and Leisure, and Learning and Culture left the room and took no part in discussions on this item.

The Leader stated that this was the 42<sup>nd</sup> meeting of the Local Authorities Governors Advisory Panel to review applications for those wishing to be considered for Local Authority (LA) school governor vacancies. One late application had been received and was accepted for consideration.

The Local Authorities Governors Advisory Panel requested that officers speak to other applicants to ascertain if they would be interested to take up vacancies. The Leader confirmed that, subject to Cabinet approval, additional appointments could be made at Rhws Primary School, St. Nicholas C/W Primary School, Ysgol Gwaun y Nant and Ysgol St. Curig.

This left vacancies at Barry Island Primary School, St. Illtyd Primary School and Y Bont Faen Primary to be deferred to the next meeting.

RESOLVED – T H A T the following appointments be made to schools as set out below:

School	No. of Vacancies	Appointment
Barry Island Primary School	1	There being no applicants, the vacancy to be deferred to the next Panel meeting.
Cogan Primary School	1	C. Foster
Cowbridge Comprehensive School	1	Councillor T.H. Jarvie
Dinas Powys Primary School	1	S. Arthur
Gladstone Primary School	1	Councillor P. Drake
Gwenfo C/W Primary School	1	R. Davies
High Street Primary School	1	S. Egan

Jenner Park Primary School	1	D. Griffiths
Oak Field Primary School	1	C. Maher
Palmerston Primary School	3	N. Herbert B. Cleak M. Richardson
Rhws Primary School	1	J. Green
St. Athan Primary School	1	A.M. Little
St. Cyres Comprehensive School	2	E. Austin M. Lewis
St. Illtyd Primary School	1	There being no applicants, the vacancy to be deferred to the next Panel meeting.
St. Nicholas C/W Primary School	1	R. Driscoll
Sully Primary School	1	W. Ellis
Y Bont Faen Primary	2	Councillor G. Cox There being no other applicants, the vacancy to be deferred to the next Panel meeting.
Ysgol Gwaun y Nant	2	N. Dryburgh G. Griffiths
Ysgol St. Curig	2	M. Thomas G. Griffiths
Ysgol y Deri	2	T. Exell D. Jackson

#### Reason for decision

To agree appointments the above schools' Governing Bodies.

#### **C444 OLDER PERSONS HOUSING AND ACCOMMODATION INCLUDING WITH CARE AND CARE READY (REF) –**

The Homes and Safe Communities Scrutiny Committee considered the above report of the Director of Social Services at its meeting on 12<sup>th</sup> September, 2018.

The Head of Housing and Building Services presented the reference from the Healthy Living and Social Care Scrutiny Committee to update Members on the assessment of older peoples housing and accommodation across the Vale of Glamorgan and Cardiff.

Part 9 of the Social Services and Well-being (Wales) Act 2014 required Regional Partnership Boards to agree an integrated Market Position Statement (MPS) and commissioning strategy for older people services. To meet the requirement, the Cardiff and Vale of Glamorgan Regional Partnership Board (CVGRP) published its MPS in January 2018, following approval by the Vale of Glamorgan Council's Cabinet, Cardiff Council and Cardiff and Vale University Health Board.

In order to action upon the findings of the MPS, the Housing Learning and Improvement Network (LIN) were commissioned by the Partnership to undertake a review, using funding provided by the Welsh Government's Integrated Care Fund. The final report was provided to Committee at Appendix 1 to the report.

The Assessment of Older Person's Housing Accommodation reported that the proportion of the population over 75 years of age was expected to increase by 71% in the Vale of Glamorgan by 2035. This meant that the Council, working with housing partners and care providers, needed to consider the development of alternative types of accommodation which enabled people to live at home for as long as possible.

The Officer apprised the Committee of the overarching aims of the research which included identifying current and future provision, where data allowed, for each of the three cluster areas in the Vale of Glamorgan: Central, Eastern and Western Vale:

- Provide a comprehensive understanding of the nature of current housing and accommodation provision for older people – including both social and private sector housing;
- Identify the requirements and aspirations of older people in later life specifically in relation to housing and accommodation;
- Identify the need for older people's housing and accommodation, including different types of housing such as extra care housing, sheltered and retirement housing;
- Set out a specification of the types of housing and accommodation that would meet the identified needs and requirements of older people.

In terms of current provision, the findings of the research revealed that in the Vale of Glamorgan the most prevalent type of older people's housing was sheltered housing with 625 units and 927 other age designated housing units in the social rented sector. The current private retirement housing provision of 204 units provided a mix of housing choices for different equity and income groups.

The Officer highlighted that it was also reported that there was very limited extra care housing / housing with care provision in the Vale of Glamorgan, currently only 42 units, when compared with the prevalence of 464 beds residential care beds.

With regards to building facilities, the research also highlighted a number of challenges regarding current housing in relation to a low proportion being wheelchair accessible and approximately 50% of older people schemes across Cardiff and Vale of Glamorgan having a lift.

The Officer advised that in order to identify future requirements the HLIN modelled the provision of accommodation on the basis that the preferred approach by the Council would be to increase the number of extra care housing units as a direct alternative to the use of additional residential care beds. Similarly it was also assumed that partners would wish to increase the supply of Housing our Aging Population Panel for Innovation (HAPPI) inspired 'care ready' contemporary sheltered / retirement housing for older people which was suitable for ageing at home by creating accessible living space, accessible kitchens and bathrooms to

allow domiciliary care to be provided without necessitating a move to residential care.

Based on these assumptions, it was forecast that by 2035 the Vale of Glamorgan would require an additional 586 additional older person housing units, 385 housing with care units and 326 additional nursing care beds.

The Officer apprised the Committee of an online survey and a series of focus groups and interviews with older people that were undertaken across the Vale of Glamorgan and Cardiff as part of the research. The engagement revealed a number of key messages to be taken into consideration for future development:

- Adaptations to bathrooms; installation of grab rails; improving access such as ramps and installations of stair lifts / lifts were the most popular adaptations people had made or were planning to make to enable people to stay in their own homes;
- The main reasons for planning a move from home was to live in a smaller and more accessible home; to move nearer to family and / or friends and to have access to care services;
- The most popular locations in the Vale of Glamorgan that people wished to move to were Western Vale and Eastern Vale;
- The most popular types of housing older people were seeking to move to were bungalows, followed by houses and then flats. 60% wanted at least two bedrooms in a property to consider downsizing. Other key factors were safety / security; having a private garden; adequate storage; having a garage or parking; moving to an area with cafes/shops;
- Nearly half of respondents (47%) would not wish to move to housing designated for older people although 29% would consider this, with many wanting a visiting or on-site staff presence.

The Final Assessment Report set out a number of recommendations for the Vale of Glamorgan Council and the wider Partnership to consider. These included:

- Further development of contemporary 'care ready' sheltered / retirement housing which was without care on site but enabled people to age at home;
- Mainstream housing developments to include well designed units which appealed to older people and which promoted inter-generational housing;
- Increase the delivery of housing with care options including extra care and extra care 'lite' which may include smaller scale new build developments and redesigning some appropriate sheltered housing schemes to include a 'care hub';
- Develop a comprehensive information and advice service for social housing tenants and homeowners in relation to adaptations and housing options;
- Scale up the development of 'step-down' housing based models of care to support timely discharge from hospital and promote reablement;
- To work with the Welsh Government in relation to affordable housing targets and the potential for guidance in relation to older people housing;
- To work with care providers to consider alternative service models to residential care, including provision of nursing care.

As a supplementary point, the Officer added that only 2% of the total housing stock for the Vale of Glamorgan was currently assigned to elderly people as most elderly people were remaining in their own homes.

In conclusion, the Head of Housing and Building Services advised that the findings would be discussed further with the Vale of Glamorgan's Housing Forum and Care Provider Forums. The intention was that the report would also form an addendum to the Local Housing Market Assessment which would subsequently inform future planning policy.

As part of the wider partnership working across the region, the CVGRPB would also host a stakeholder event in the Autumn to encourage further discussion on joint working, including opportunities to align funding such as the Welsh Government's Integrated Care Fund.

The findings of the assessment would be discussed further with the Vale of Glamorgan's Housing Forum and Care Provider Forums and the intention was that the report would also form an addendum to the Local Housing Market Assessment which would subsequently inform future planning policy.

Therefore, the Council would continue to apply for Welsh Government funding to improve and/or increase the housing supply available however, the Council did not anticipate growth in residential care as the assessment clearly set out that individuals did not wish to reside in residential care in the future but would rather stay in their own homes.

A Member thanked the Officer for his presentation and complimented the extensive detail contained within the report and in particular examples of best practice undertaken by other Local Authorities, referred to on page 93 of the assessment report. As many of the case studies referred to international examples of best practice the Member stated that it was imperative that the Council adopt international ways of working and/or thinking as those authorities had already evidenced an excellent standard of service.

As a secondary point, the Member also noted that there was a lack of reference to the integration and/or the use of technology within the report. As the Strategy was long term it was important to recognise that the older persons of today were a limited generation in terms of technology and the younger generations that the Strategy would more greatly affect would have a much higher level of dependency, knowledge and expectation for the use of technology.

A Member also complimented the detailed report and was pleased to find that many of his concerns had been referred to within the contents. The Member seconded the Member's earlier point that the plan was a 'long term' plan and added that many individuals had already taken financial steps to provide for themselves in retirement. The Member also wished to make the point that individuals were frightened by the thought of going into residential care and therefore the stance for staying in their own homes was greatly received and understandable. It was important to note that each area of the Vale of Glamorgan was very different and therefore Ward Member consultation was extremely important and would prove very useful to Officers going forward.

At this point, the Head of Housing and Building Services wished to add that the assessment was the starting point for building the long term strategy which would take into consideration European models and inter-generational housing. Considerable consideration would also be given to Statutory Planning Guidance and to the fact that the number of Local Authority social rented housing was very small compared to individuals in private homes.

A Member stated that given the large amount of rural environments unique to the Vale of Glamorgan, all future Strategy work needed to be appropriate to the Vale of Glamorgan and therefore not on an entirely regional basis. In response, the Head of Housing and Building Services advised that consideration would be given to the rural areas and communities within the Vale of Glamorgan by addressing Section 106 requirements.

The Chairman summarised the valid points raised by the Committee Members and added that strong partnership working between the Housing, Planning and Social Services Departments was crucial to completing the long term strategy.

Subsequently, it was

#### RECOMMENDED -

- (1) T H A T the contents of the report and reference from the Healthy Living and Social Care Scrutiny Committee be noted.
- (2) T H A T the comments of the Committee as set out in the minutes above be referred to Cabinet for its consideration.

#### Reasons for recommendations

- (1) Committee is aware of the findings of the report and comments raised by the Healthy Living and Social Care Scrutiny Committee and the projected increased demand for appropriate accommodation to meet the requirements of an ageing population with a growing prevalence of care and support needs.
- (2) To ensure that Cabinet are aware of the thoughts of the Homes and Safe Communities Scrutiny Committee regarding Older Person's Housing and Accommodation, including with Care Needs.

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Cabinet, having considered the recommendations of the Homes and Safe Communities Scrutiny Committee

RESOLVED – T H A T the findings of the assessment of older people's housing and accommodation be endorsed, and the implications of the assessment be considered by the Council to inform future housing policy.



Reason for decision

To inform future housing policy

**C445 MEDIUM TERM FINANCIAL PLAN 2018/19 TO 2021/22 (REF) –**

The Corporate Performance and Resources Scrutiny Committee considered the above report on 20<sup>th</sup> September, 2018.

The draft Medium Term Financial Plan 2018/19 to 2021/22 had been submitted to Cabinet for consideration and approval at its meeting on 17<sup>th</sup> September. Cabinet had subsequently referred the report to the Scrutiny Committee for its consideration with any comments to be referred back to Cabinet prior to the final budget proposals for 2019/20. The reference from that meeting was tabled for the Committee's consideration.

By way of background, the Section 151 Officer advised that the Budget Strategy for 2019/20 had been approved by Cabinet on 16<sup>th</sup> July, 2018 and this had established a baseline for services to prepare initial revenue budgets for 2019/20 based on the costs of providing the current level of service and approved policy decisions including any net savings targets set.

The draft Medium Term Financial Plan 2018/19 to 2021/22 was attached at Appendix 1 to the report. The purpose of the Medium Term Financial Plan was to link the Council's strategic planning process with the budget process and to ensure consistency between them. It was a mechanism that attempted to match future predicted resources and expenditure, identify potential shortfalls and provide the financial framework for the next three years. Its purpose was to inform Members and to suggest a way of dealing with the future financial pressures facing the Council.

The draft Medium Term Financial Plan attached covered the period 2018/19 to 2021/22. As part of the final revenue settlement for 2018/19, Welsh Government provided an indicative figure of a 1% reduction for the potential change in funding for 2019/20. No further indications were provided for future years. Due to the considerable uncertainty and the continuation of austerity measures, it was considered prudent that a reduction of 1% be applied year on year for the period of the Plan.

It should be noted that the use of the above information did not provide the level of certainty required for forward planning. The basis of these latest assumptions, therefore, could in no way be guaranteed and any changes to the figures used could have a significant financial impact. However, every indication was that restrictions in public sector funding would continue for the foreseeable future and the failure to prepare for further reductions now could have far greater consequences for service delivery in the future.

Initial estimates presented the following picture showing a projected savings target between 2019/20 and 2021/22 of £15.714m excluding schools, comprising of £3.627m of savings already identified and £12.087m yet to be allocated.

<b>Projected Savings Required</b>	<b>2019/20 £000</b>	<b>2020/21 £000</b>	<b>2021/22 £000</b>
Predicted Shortfall	6,800	4,567	4,347
Identified Savings	(2,920)	(707)	0
<b>Additional Shortfall</b>	<b>3,880</b>	<b>3,860</b>	<b>4,347</b>

The achievement of the identified savings would be extremely challenging in the context of historical savings already delivered, but failure to deliver this level of savings would significantly impact on the Council achieving its required financial strategy which would now be based on an estimated reduction of £15.714m by 2021/22 excluding Schools.

As a result of the high level of savings required, there would be difficulties in maintaining the quality and quantity of services without exploring opportunities for collaboration and alternative forms of service delivery. The only realistic option facing the Council in future years was the successful delivery of its Reshaping Services programme.

To ensure that the budget set for 2019/20 continued to address the priorities of the Vale of Glamorgan residents and the Council's service users, the budget setting process would incorporate engagement with a range of key stakeholders.

Options which were recommended within the Plan for exploration as part of the 2019/20 budget process to close the funding gap in future years were:

- Considering the results of the budget engagement process in determining priorities for future savings and service delivery;
- Reviewing the appropriateness of financial strategies for services;
- Reviewing the feasibility of any change in the use of the Council Fund Reserve and other reserves as part of the financial strategy;
- A further review of the level of cost pressures with a view to services managing and reducing demand and mitigating pressures;
- Services funding their own residual cost pressures through reviewing their existing budgets and revised / alternative means of service provision;
- Services meeting their own pay inflation through reviewing their staffing structure in line with changes to service delivery and workforce planning requirements;
- Further consideration of the level of price inflation provided;
- Reviewing the priorities for funding statutory and non-statutory services, including establishing minimum levels of service provision;
- Considering the latest position regarding the Council's Reshaping Services programme and identifying further area for savings;
- Collaborative working in line with the Welsh Government reform agenda;
- Reviewing the strategic approach to income generation;
- Consider the increase in Council Tax;
- Reviewing the achievement of the 2018/19 savings targets; and
- Considering the possibility of a reduction in the level of service and determining what services the Council needed to deliver in the future.

The Section 151 Officer informed Members that assumptions had been made around the pay awards, an increase of 2% had been included, with a higher percentage being assumed for staff on scale point 19 and below. The Council would also be reviewing all assumptions as the budget setting process was undertaken. Committee was advised to consider the report and provide any comments as part of the budget setting process.

A Member queried the fact that Children's Services had not been highlighted as a risk and that, in his view, the 1% reduction assumption with regard to Welsh Government funding was inappropriate with the suggestion that at least 2% if not 3% be included. The Head of Service stated that the indicative figures from Welsh Government were currently set at a reduction of 1% and confirmed that a 1% increase in Council Tax equated to £690k. It was recognised that making savings was becoming increasingly difficult for departments, with another Member further advising that in his view, the assumptions were correct and that the Council Tax was a balance of the corporate need and public perception and the need to fund public services. He stated that as far as he was concerned, the NHS managed to, in his words "get away with far more than Local Authorities could" but although accepting that a Council Tax increase may be required, Welsh Government should be letting Local Authorities know much earlier in the process about their budget proposals in order that full budgets could be considered and agreed earlier on in the process.

Following a further query regarding rate relief for smaller businesses and whether it would have a big impact on the Council, the Head of Service stated that it would have an impact on businesses locally as the re-evaluations came into effect 18 months ago, and had increased the rateable value in the Vale for some premises. The Council had also always adopted the Welsh Government Small Business Relief Scheme.

In referring to planned savings, a Member took the opportunity to urge the Senior Management Team to advise Members as early on in the process as they could of any savings that were unlikely to be made. In his view the Senior Management Team needed to be far more frank and honest in what they could deliver.

Following consideration of the report and a vote, it was subsequently

#### RECOMMENDED –

- (1) T H A T reference to the Children's Services as a risk area be highlighted in the report.
- (2) T H A T Cabinet be requested to consider the potential impacts of the Welsh Government decrease in funding of a sum greater than 1%.
- (3) T H A T Council continue to make the case to Welsh Government for a fairer funding settlement.

Reasons for recommendations

(1) Having regard to the fact that Children's Services appeared to be omitted from the report as a risk.

(2&3) Having regard to the impact if the decrease in funding was greater than 1%.

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The Leader advised that the Medium Term Financial Plan was considered by Cabinet on 17<sup>th</sup> September, 2018 and referred to Corporate Performance and Resources Scrutiny Committee for consideration on 20<sup>th</sup> September, 2018.

In considering the Plan, the Scrutiny Committee had requested the following:

- T H A T reference to the Children's Services as a risk area be highlighted in the report.
- T H A T Cabinet be requested to consider the potential impacts of the Welsh Government decrease in funding of a sum greater than 1%.
- T H A T Council continue to make the case to Welsh Government for a fairer funding settlement.

In response the Leader confirmed that all pressures facing services in the coming year would be given full consideration as the budget for 2019/2020 was drafted and finalised. Since the report had been discussed, the draft settlement had been announced which confirmed a provisional reduction in funding for this Council of 0.7% for the coming financial year. Whilst this was below the figure assumed in the Medium Term Financial Plan the full details of grants and other movements within the funding from Welsh Government was yet to be released. The final settlement would be received on 19<sup>th</sup> December, 2018. The Leader confirmed that the draft settlement had been received and the Council intended to respond to the consultation on that settlement. It was intended that the response would be considered by both the Corporate Performance and Resources Scrutiny Committee and Cabinet prior to its return to Welsh Government at the end of November.

Cabinet, having considered the recommendations of the Corporate Performance and Resources Scrutiny Committee,

RESOLVED – T H A T contents of the report be noted.

Reason for decision

To note the contents of the report.

## **C446 RESHAPING SERVICES PROGRAMME – UPDATE ON IMPLEMENTATION (L) (SCRUTINY COMMITTEE – CORPORATE PERFORMANCE AND RESOURCES) –**

Cabinet was provided with an update on the progress of the Reshaping Services Programme.

The Reshaping Services Programme was the Council's transformational change programme. The aim of the programme was:

'To reshape the Council to enable it to meet the future needs of citizens of the Vale of Glamorgan within the context of unprecedented financial challenges.

The objectives of the programme were:

- To identify alternative ways of delivering services which provided better outcomes for citizens and/or more efficient means of delivery.
- To meet the future financial challenges while mitigating the impact of cuts on service users.
- To develop the Council and its partners to ensure they were able to meet future challenges.

The programme's delivery was overseen by a programme board comprising the Leader, CMT, Chief Executive of Glamorgan Voluntary Services, a Town Councillor representative and Operational Manager – Policy & Performance (in the role of overall programme manager). For each meeting, an All Projects Summary Highlight Report was produced, showing detailed progress being made in implementing the projects.

This report set out the progress being made in implementing the programme since the last report (December 2017). The programme comprised a series of "service based" projects and "corporate" projects. Each project was described and assigned a RAG status to indicate the overall progress being made on implementation. The report provided a description of the status of individual projects, along with the supporting activities of organisational development, communications and programme management.

The report also provided an overview of the process that was underway to identify projects to comprise the fourth tranche of the programme which was intended to make a significant contribution to the Council's forecast funding shortfall in the next three years. Further information would be reported to Cabinet in due course, as part of the budget setting reporting and via further updates on the programme as a whole. A list (with hyperlinks) of all related reports was provided in the background papers section for further detail.

The report recommended that following Cabinet consideration, it be referred to the Corporate Performance and Resources Scrutiny Committee for consideration, with an emphasis on the administration and implementation of the programme. It was also regular practice to disseminate the report to all elected Members, Clerks of Town and Community Councils, members of the Voluntary Sector Joint Liaison Committee, Community Liaison Committee and the Public Services Board for their

information and in order to provide an update on the progress being made on the Reshaping Services Programme given its wide ranging implications and remit.

This was a matter for Executive decision.

Cabinet, having considered the report and all of the issues and implications contained therein,

RESOLVED –

- (1) T H A T the contents of the report be noted.
- (2) T H A T the report be referred to the Corporate Performance and Resources Scrutiny Committee for their consideration, with particular emphasis on the administration and implementation of the programme.
- (3) T H A T a copy of the report be sent to all Elected Members, Clerks of Town and Community Councils, members of the Voluntary Sector Joint Liaison Committee, Community Liaison Committee and the Public Services Board for their information and in order to provide an update on the progress being made on the Reshaping Services programme.
- (4) T H A T the detailed service reviews described in the report be reported back as required to Cabinet for approval prior to implementation.
- (5) T H A T regular progress reports continue to be brought to Cabinet to provide updates on the progress of the Reshaping Services programme.

Reasons for decisions

- (1) To provide an update on the progress of the Reshaping Services programme.
- (2) To provide the Corporate Performance and Resources Scrutiny Committee with the opportunity to consider the progress being made on the Reshaping Services programme as lead Committee for the programme.
- (3) To provide these Committees, groups and the Public Services Board with an update on the progress being made on the Reshaping Services programme.
- (4) To approve any proposed changes resulting from the Reshaping Services projects as appropriate.
- (5) To ensure Members were informed of the progress being made on the programme.

**C447 REGISTER OFFICE CEREMONIES AND FEES (RLS) (SCRUTINY COMMITTEE – CORPORATE PERFORMANCE AND RESOURCES) –**

Proposals to extend the range of services offered by the Council's Registration Service and to review the associated fees and charges were presented to Cabinet.

On 23<sup>rd</sup> October, 2017 Cabinet approved proposals to extend the range of services offered by the Council's Registration Service and to review the associated fees and charges. Work had been undertaken to analyse the impact of the new arrangements and consequently to identify opportunities to further expand the services offered. Given the success of the changes implemented in November 2017, it was proposed that further enhancements be made to Registration Services to further generate income in this area and to offer a wider choice for customers.

With regards to booking fees, the report proposed that the £50 non-refundable booking fee required to secure bookings for ceremonies / registrations be increased to £100.

It was also proposed that a new "Save the Date" service be introduced for Approved Premises which would allow customers to book a ceremony as far ahead as they wished, but giving them a set amount of time (21 days) to make all the other necessary arrangements before committing to a booking. It was proposed that the "Save the Date" bookings fee be set at £25 non-refundable in respect of a specific venue, date and time.

The final proposal concerning booking a ceremony or registration was an administration fee of £25, chargeable should a customer require any changes made to the date and time of any ceremony booked to cover staff and administration costs associated with this.

The fees for ceremonies were usually reviewed annually in April. However, given the changes to Registration Services in November 2017, fees for the Vale of Glamorgan Suite had not been reviewed since. Given the slightly increased demand for ceremonies / registrations in the Civic Offices since the changes, the report proposed that the services and associated fees be amended as in paragraph 25 of the report.

For Priority Certificates, following the successful implementation for copy certificates in November 2017, the report proposed that this fee be increased to £25 to bring it in line with other service fees in the Department.

Taking account of the current level of demand for ceremonies being held in the Civic Offices, it was proposed that the possibility of making additional Council Venues "Approved Premises" be explored and implemented accordingly, if considered financially and logistically feasible.

After this item had been presented, the Leader noted that the Council would still offer marriage ceremonies at the statutory rate of £46 to those who wished to use this service.

This was a matter for Executive decision.

RESOLVED –

(1) T H A T the revised fees and charges in respect of Ceremony fees be approved from 1<sup>st</sup> April, 2019 with the revised fees in relation to the Priority

Certificate Service fee, Postage of Certificates service fee, Booking and Save the Date fees and the Administration fee being implemented from 1<sup>st</sup> November, 2019 as set out in the report.

(2) T H A T delegated authority be granted to the Operational Manager (Democratic Services), in the capacity as Proper Officer for the Vale of Glamorgan Registration Service, in consultation with the Cabinet Member for Regulatory and Legal Services of the Council and Monitoring Officer / Head of Legal and Democratic Services to explore opportunities for making additional Council venues "Approved Premises" and to implement accordingly if considered feasible.

(3) T H A T a further report be presented to Cabinet within 12 months of the implementation of the new arrangements.

#### Reasons for decisions

(1) To extend and enhance the service options available to Registration Service customers and to ensure any changes to fees and charges were aligned with the principles of the Income Generation and Commercial Opportunities Strategy.

(2) To enable additional Council-owned venues to become Approved Premises as and when required.

(3) To allow Members to consider fully the impacts of the new arrangements and the need for any further revisions to those arrangements.

#### **C448 SCHOOL PERFORMANCE REPORT 2017-2018: FOUNDATION PHASE AND KEY STAGES 2 TO 5 (LC) (SCRUTINY COMMITTEE – LEARNING AND CULTURE) –**

Members were informed of pupil attainment and school performance outcomes.

Statutory end of Key Stage Teacher Assessment (TA) was administered at the end of the Foundation Phase, Key Stage 2 and Key Stage 3, when pupils are aged 7, 11 and 14 years old respectively. Paragraph 5 of the report outlined the measures in relation to external examinations at Key Stages 4 and 5. It was noted that Welsh Government introduced key changes to the performance measures in 2016-2017 which affected any possible comparisons that could be made against previous data. The main changes were detailed in paragraph 6 of the report.

Welsh Government made changes in the Foundation Phase outcomes which made it more demanding, so performance in 2018 was not comparable with previous years. As expected, performance was lower in 2018. This was also the case for the Central South Consortium and all Wales figures. Unfortunately, the changes resulted in a widening of the gap between pupils eligible for free schools meals (eFSM) and those who were not (non FSM). This was the case across the Central South Consortium also. Despite this, performance in the Vale was good and stronger than Central South Consortium and Wales averages.



For Key Stage 2, further improvements in attainment at Level 4 had been made in all performance measures. With the exception of science, performance at Level 5 had risen yet again. Despite the improvement in boys' performance, girls continued to outperform boys in all indicators at both Level 4 and Level 5. The performance of pupils eligible for free school meals increased in all indicators, both at Level 4 and Level 5 and there was a greater percentage of eFSM pupils achieving both Level 4 and Level 5 than in other Local Authorities within the region. This resulted in a narrowing of the gap in all indicators at Level 4. At Level 5 in English and Welsh, even though the performance of eFSM pupils increased, there were greater increases in the performance of non FSM pupils and this resulted in a slight widening of the gap.

Key Stage 3 standards were very strong and performance had risen again in all indicators. The Vale of Glamorgan performed higher than all other Local Authorities in the Central South Consortium in all indicators.

Key Stage 4 performance at the Level 2 threshold including English and Mathematics increased by 6.3 percentage points to 66.1% which was the highest of all Local Authorities in Wales. However, the performance of eFSM pupils dipped, resulting in a widening of the gap between eFSM pupils and non FSM pupils.

The percentage of pupils achieving 5 A\*-A grades increased further from 24.8% to 26.9%. This was significantly higher than the Central South Consortium average of 20.4%. Of particular note was the further increase in Cowbridge where 47.9% of pupils achieved this measure. However, there was a decrease in the percentage of eFSM pupils who achieved 5 A\*-A grades.

Improving the performance of eFSM pupils remained a key priority for the Vale, particularly above expected levels, and the Council's ambition was that educational outcomes in the Vale were the best in Wales and matched those of the most successful Authorities in England with similar socio-economic profiles. The Council also sought to ensure that all school performance was benchmarked in the high or highest benchmarking positions.

Following a query, the Cabinet Member for Learning and Culture confirmed that the Vale of Glamorgan had the best Key Stage 2 GCSE results in the whole of Wales.

This was a matter for Executive decision.

Cabinet, having considered the report and all the issues and implications contained therein,

RESOLVED –

- (1) T H A T the pupil attainment and school performance outcomes, based in the case of GCSA and A Level examinations on provisional data, be noted.
- (2) T H A T the report be referred to the Learning and Culture Scrutiny Committee for consideration.
- (3) T H A T the changes in Key Stage 4 performance measures be noted.

Reasons for decisions

- (1) To ensure Members were aware of the attainment of pupils and the performance of schools in 2016/17.
- (2) To enable scrutiny of school performance outcomes.
- (3) To ensure Members were aware of the changes and resulting implications for comparative purposes.

**C449 PENCOEDTRE HIGH SCHOOL – ACCEPTANCE OF TENDER (LC)  
(SCRUTINY COMMITTEE – LEARNING AND CULTURE) –**

Approval was sought for the acceptance of a competitive tender for the refurbishment and new build works at Pencoedtre High School.

The 21<sup>st</sup> Century Schools and Education Programme was a unique collaboration between the Welsh Government and Local Authorities. It was a major long term strategic capital investment programme with the aim of creating a generation of 21<sup>st</sup> Century Schools in Wales. Band B was due to commence in 2019 and run until 2024. The Council had been developing its new strategic investment programme to deliver this phase of the programme.

On 8<sup>th</sup> August, 2018, Welsh Government approved the Outline Business Case for the 'Transforming English and Welsh Medium Education in Barry' project. The proposal was to fully refurbish Pencoedtre High School and Ysgol Gymraeg Bro Morgannwg, build an extension for Ysgol Gymraeg Bro Morgannwg and a complete new build for Whitmore High School.

Tenders for the works had recently been sought. The tender process utilised the South East Wales Schools and Capital Funding (SEWSCAP) Contractor Framework. 7 tenders were received and opened on Friday, 7<sup>th</sup> September, 2018. These had subsequently been evaluated by the Vale of Glamorgan Council and AECOM (consultant cost manager) based on the criteria stated in the tender documentation. Further details of AECOM's tender evaluation were outlined in the Part II item later on the agenda.

This was a matter for Executive decision.

Cabinet, having considered the report and all the issues and implications contained therein,

**RESOLVED – T H A T** the contents of the report be noted and considered alongside the Part II report of the same title later in the agenda.

Reason for decision

To allow the Part I and Part II reports to be considered together and to permit the execution of formal contracts between the Council and the successful bidder.

**C450 WHITMORE HIGH SCHOOL – ACCEPTANCE OF TENDER (LC)  
(SCRUTINY COMMITTEE – LEARNING AND CULTURE) –**

Approval was sought for the acceptance of a competitive tender for the refurbishment and new build works at Whitmore High School.

The 21<sup>st</sup> Century Schools and Education Programme was a unique collaboration between the Welsh Government and Local Authorities. It was a major long term strategic capital investment programme with the aim of creating a generation of 21<sup>st</sup> Century Schools in Wales. Band B was due to commence in 2019 and run until 2024. The Council had been developing its new strategic investment programme to deliver this phase of the programme.

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This was a matter for Executive decision.

Cabinet, having considered the report and all the issues and implications contained therein,

RESOLVED – T H A T the contents of the report be noted and considered alongside the Part II report of the same title later in the agenda.

Reason for decision

To allow the Part I and Part II reports to be considered together and to permit the execution of formal contracts between the Council and the successful bidder.

**C451 YSGOL GYMRAEG BRO MORGANNWG – ACCEPTANCE OF TENDER  
(LC) (SCRUTINY COMMITTEE – LEARNING AND CULTURE) –**

Approval was sought for the acceptance of a competitive tender for the refurbishment and new build works at Ysgol Gymraeg Bro Morgannwg.

The 21<sup>st</sup> Century Schools and Education Programme was a unique collaboration between the Welsh Government and Local Authorities. It was a major long term

strategic capital investment programme with the aim of creating a generation of 21<sup>st</sup> Century Schools in Wales. Band B was due to commence in 2019 and run until 2024. The Council had been developing its new strategic investment programme to deliver this phase of the programme.

On 8<sup>th</sup> August, 2018, Welsh Government approved the Outline Business Case for the 'Transforming English and Welsh Medium Education in Barry' project. The proposal was to fully refurbish Pencoedtre High School and Ysgol Gymraeg Bro Morgannwg, build an extension for Ysgol Gymraeg Bro Morgannwg and a complete new build for Whitmore High School.

Tenders for the works had recently been sought. The tender process utilised the South East Wales Schools and Capital Funding (SEWSCAP) Contractor Framework. 7 tenders were received and opened on Friday, 7<sup>th</sup> September, 2018. These had subsequently been evaluated by the Vale of Glamorgan Council and AECOM (consultant cost manager) based on the criteria stated in the tender documentation. Further details of AECOM's tender evaluation were outlined in the Part II item later on the agenda.

This was a matter for Executive decision.

Cabinet, having considered the report and all the issues and implications contained therein,

RESOLVED – T H A T the contents of the report be noted and considered alongside the Part II report of the same title later in the agenda.

#### Reason for decision

To allow the Part I and Part II reports to be considered together and to permit the execution of formal contracts between the Council and the successful bidder.

#### **C452 LLANTWIT MAJOR SURF LIFE SAVING BUILDING – PERMISSION FOR NEW EXTENSION AND RENEWAL OF LEASE (SCHL) (SCRUTINY COMMITTEE – HEALTHY LIVING AND SOCIAL CARE) –**

Approval was sought to grant a new lease to Llantwit Major Surf Life Saving Club for its lifeguard building at Cwm Colhuw and to grant approval to the Club to improve the functionality of the existing building by adding a viewing platform and storage area.

Llantwit Major Lifesaving Club had requested a new lease for the existing lifeguard building that was constructed by the Council in the mid 1990s and permission to build, at their cost, an extension on the side of the building.

The proposed extension would provide an observation point for the beach for lifeguards that the building lacked. This extension would be utilised by the RNLI who provided lifeguards at Llantwit Major beach during the summer months on behalf of the Vale of Glamorgan Council. The RNLI currently had to transport and establish a temporary lifeguard unit on the beach each year at considerable cost to the RNLI

and ultimately the Council. By building this extension the Council would negate the need for a temporary station which would lead to cost savings for all concerned.

A new lease had been under discussion for several years and authority was now required to progress it. The new arrangement would allow for the RNLI or any other Council lifeguard service to operate from the building.

This was a matter for Executive decision.

Cabinet, having considered the report and all the issues and implications contained therein,

RESOLVED –

(1) T H A T delegated authority be granted to the Head of Financial Services / Section 151 Officer in consultation with the Director of Environment and Housing and the Cabinet Member for Social Care, Health and Leisure, to agree and finalise the terms and conditions for a new 25 year ground lease of land at Cwm Colhuw to Llantwit Major Surf Life Saving Club at a peppercorn rent per annum.

(2) T H A T Llantwit Major Surf Life Saving Club be granted consent, subject to any necessary planning or other consents, to improve the functionality of the existing lifeguard building by adding a viewing platform and storage area which would allow clear surveillance of the entire beach and cliffs and storage for the growing club.

(3) T H A T the Monitoring Officer / Head of Legal and Democratic Services be authorised to prepare, complete and execute the required legal documentation.

#### Reasons for decisions

(1) To provide security of tenure for Llantwit Major Surf Life Saving Club.

(2) To allow a new observation point for Llantwit Beach to be established that would greatly assist with lifeguarding operations on the beach.

(3) To legally formalise an appropriate lease arrangement.

#### **C453 HAWKSLEY BUNGALOWS REFURBISHMENT SCHEME CONTRACT (HBS) (SCRUTINY COMMITTEE – HOMES AND SAFE COMMUNITIES) –**

The purpose of the report was to advise Cabinet of the proposed contract award arrangements for the Hawksley Bungalows refurbishment scheme and to note the contents of the report, with a view to taking decisions on the award of the JCT intermediate contract detailed within the Part II report later on the agenda.

Originally there were 17 non-traditionally constructed Hawksley bungalows within the Council's housing stock. These properties had been declared unsatisfactory under the Housing Defects Act 1984 and had also been identified for major refurbishment as they did not meet the Welsh Housing Quality Standard (WHQS).

These bungalows were identified for demolition and rebuild using more traditional methods of construction.

Since 2016, 14 bungalows had been refurbished and were now no longer declared defective and now compliant with the WHQS. However, due to contract performance issues by framework contractors, three bungalows remained to be rebuilt.

Subsequently the Housing and Building Services Team created the tender pack and tendered the works on Sell2Wales.

Whilst on Sell2Wales, six expressions of interest were recorded with only one tender submission received on 20<sup>th</sup> August, 2018.

The tender bid analysis was undertaken in two stages; Pre-Qualification Questionnaire (PQQ) and Invitation to Tender (ITT). The sole tenderer passed the PQQ stage and subsequent cost assessment. Details of the tender outcomes were set out in the Part II report.

This was a matter for Executive decision.

Cabinet, having considered the report and all the issues and implications contained therein,

RESOLVED – T H A T the contents of the report be noted, with a view to taking decisions on the award of the JCT intermediate contract detailed within the Part II report of the same title later on the agenda.

#### Reason for decision

To note the contents of the report and take a decision on the award of the JCT intermediate contract as part of the Part II report later on the agenda.

#### **C454 ASSESSMENT OF TRANSPORT PROJECTS WITHIN THE PENARTH CORRIDOR (NST) (SCRUTINY COMMITTEE – ENVIRONMENT AND REGENERATION) –**

The report provided an update regarding the funding and progress associated with a number of transport projects within a defined Penarth “Corridor”.

The report advised of the recent procurement of consultancy support for the schemes and then went on to provide a review of a number of Consultancy reports, procured in early 2018 related generally to the range of projects and more specifically to the Penarth Headland Link proposal.

The Arup Corridor Transport and Economic Impact Report was attached at Appendix A to the report and a copy was available in the Members' Room.

The Arup Corridor Transport and Economic Impact Report considered the projects in terms of their:

- Strategic Context
- Case for Change
- Option Feasibility
- Transport Impact, and
- Economic Impact.

The report indicated a number of concerns relating to the conclusions of these consultancy reports. In the main they related to the poor scores achieved by the projects when their cost-benefit ratios were assessed and to the validity of impacts resulting from the various models utilised.

The report utilised a series of transport models to assess the projects and whilst all the projects aligned well with the strategic objectives set out, the conclusions of the report were that the majority of the projects scored low in the area of feasibility

The Arup Maritime and Geotechnical Review was attached at Appendix B to the report and a copy was available in the Members' Room.

The Arup Maritime and Geotechnical Review considered a range of analysis across the areas of topography, bathymetry, geology and hydrogeology with the objective being to provide initial assessment of the PHLG design option and to the key maritime engineering issue of required height for a causeway option, size of rock armour for such an option and the geotechnical issue of the location at which, without a rock protection fence along the edge, the path might be used by walkers and cyclists with negligible danger of harm from rock falls.

The Sustrans Transport and Economic Evaluation of the Penarth Headland Link scheme was attached at Appendix C to the report and a copy was available in the Members' Room.

The Sustrans Report, providing a transport and economic assessment of the Penarth Headland link project, also utilised a number of transport models (developed by Sustrans) to evaluate the project

The Cabinet Member advised that in some cases officers believed that the WeITAG approach being proposed would allow a greater degree of analysis of the projects but in others, such as the Headland Link scheme, it was suggested that a range of other assessment tools may be more appropriate to assess impact.

The report advised that further updates would be provided to Members as the WeITAG assessments progressed.

The Cabinet Member for Neighbourhood Services and Transport tabled supplementary information received from the Penarth Headland Link Charity which raised a number of concerns regarding the Cabinet report. In response, the Cabinet Member acknowledged the considerable work undertaken by the Penarth Headland Link Charity and wished to allay their concerns, stating that the Assessment of Transport Projects within the Penarth Corridor report did not wish to delay or stop the project through cost increases. The Member stated that it was an assumption by the Penarth Headland Link Charity that the proposals in the report would lead to a reduction in Welsh Government funding. He confirmed that as far as the Council

was concerned, no capital funding had been allocated so far, and no Welsh Government funding would be forthcoming without the proper assessments. He stated that these had not been carried out, and there was a need to undertake the Stage 1 and 2 WeITAG assessments in order for the projects to proceed. The Member accepted that progress was slow, however no submissions were received for the first tender, and a second tender had subsequently been successful. With regards to concerns that there was no agreed work programme for the Penarth Headland Link project, the Cabinet Member stated that this would be determined following the Stage 1 and 2 assessments and would otherwise be premature. The Cabinet Member also clarified that the differences in pricing as determined by the Council and the Penarth Headland Link Charity was due to the Arup report using 2018 prices rather than 2010 prices used by the Penarth Headland Link Charity. Finally, in terms of collaboration, the Cabinet Member confirmed that members of the Penarth Headland Link Charity would have a seat on the WeITAG Public Group, but not the Project Delivery Group, as was standard practice. He therefore moved the recommendations of the report.

The Leader noted that the letter from the Penarth Headland Link Charity asked if Cabinet wished the project to go ahead, and in response he stated that yes, the Council supported the project, subject to all regulations being complied with, which was why Cabinet wished to proceed with the recommendations of the report. This was agreed by his fellow Cabinet Members who wished to make progress as compared to previous attempts so fully appreciated the work that had been undertaken by the Charity.

This was a matter for Executive decision.

Cabinet, having considered the report and all the issues and implications contained therein,

**RESOLVED – T H A T** the contents of the report be noted and an updated report be presented back to Cabinet produced under the WeITAG Stages 1 and 2.

#### Reason for decision

To provide an accurate picture of the current state of development of a range of transport projects in the Penarth area, and to provide an ongoing report on the development of the projects and any issues associated with them.

#### **C455 EXCLUSION OF PRESS AND PUBLIC -**

**RESOLVED – T H A T** under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 4 of Schedule 12A (as amended) of the Act, the relevant paragraphs of the Schedule being referred to in brackets after the minute heading.



**C456 PENCOEDTRE HIGH SCHOOL – ACCEPTANCE OF TENDER (LC) (EXEMPT INFORMATION – PARAGRAPH 14) (SCRUTINY COMMITTEE – LEARNING AND CULTURE) –**

Approval was sought for the acceptance of the competitive tender of ISG Construction Limited for the refurbishment and new build works at Pencoedtre High School.

This was a matter for Executive decision.

Cabinet, having considered the report and all the issues and implications contained therein,

RESOLVED –

- (1) T H A T the appointment of ISG Construction Ltd for the refurbishment and new build works at Pencoedtre High School be approved.
- (2) T H A T the Monitoring Officer / Head of Legal and Democratic Services be authorised to execute the Professional Services Contract with ISG Construction Ltd for the pre-construction design and procurement services.
- (3) T H A T a further report be presented to Cabinet when the full costs of the works has been determined to enter into the NEC3 Option A (Lump Sum with Activity Schedule) Contract.

Reasons for decisions

- (1) To ensure the required works are completed for the refurbishment and new build at Pencoedtre High School.
- (2) To permit execution of formal contracts between the Council and ISG.
- (3) To ensure the full cost of the scheme is determined before the NEC3 Option A (Lump Sum with Activity Schedule) Contract is entered into.

**C457 WHITMORE HIGH SCHOOL – ACCEPTANCE OF TENDER (LC) (EXEMPT INFORMATION – PARAGRAPH 14) (SCRUTINY COMMITTEE – LEARNING AND CULTURE) –**

Approval was sought for the acceptance of a competitive tender of Morgan Sindall Construction and Infrastructure Ltd for new build works at Whitmore High School.

This was a matter for Executive decision.

Cabinet, having considered the report and all the issues and implications contained therein,

RESOLVED –

- (1) T H A T the appointment of Morgan Sindall Construction and Infrastructure Ltd for the new build works at Whitmore High School be approved.
- (2) T H A T the Monitoring Officer / Head of Legal and Democratic Services be authorised to execute the Professional Services Contract with Morgan Sindall Construction and Infrastructure Ltd for the pre-construction design and procurement services.
- (3) T H A T a future report be presented to Cabinet when the full cost of the works has been determined to enter into the NEC3 Option A (Lump Sum with Activity Schedule) Contract.

Reasons for decisions

- (1) To ensure the required works are completed for the new build at Whitmore High School.
- (2) To permit execution of formal contracts between the Council and Morgan Sindall Construction and Infrastructure Ltd.
- (3) To ensure the full cost of the scheme is determined before the NEC3 Option A (Lump Sum with Activity Schedule) Contract is entered into.

**C458 YSGOL GYMRAEG BRO MORGANNWG – ACCEPTANCE OF TENDER (LC) (SCRUTINY COMMITTEE – LEARNING AND CULTURE) –**

Approval was sought for the acceptance of a competitive tender of ISG Construction Ltd for the refurbishment and new build works at Ysgol Gymraeg Bro Morgannwg.

This was a matter for Executive decision.

Cabinet, having considered the report and all the issues and implications contained therein,

RESOLVED –

- (1) T H A T the appointment of ISG Construction Ltd for the refurbishment and new build works at Ysgol Gymraeg Bro Morgannwg be approved.
- (2) T H A T the Monitoring Officer / Head of Legal and Democratic Services be authorised to execute the Professional Services Contract with ISG Construction Ltd for the pre-construction design and procurement services.
- (3) T H A T a future report be presented to Cabinet when the full cost of the works has been determined to enter into the NEC3 Option A (Lump Sum with Activity Schedule) Contract.

Reasons for decisions

- (1) To ensure the required works are completed for the refurbishment and new build at Ysgol Gymraeg Bro Morgannwg.
- (2) To permit execution of formal contracts between the Council and ISG Construction Ltd.
- (3) To ensure the full cost of the scheme is determined before the NEC3 Option A (Lump Sum with Activity Schedule) Contract is entered into.

**C459 HAWKSLEY BUNGALOWS REFURBISHMENT SCHEME CONTRACT (HBS) (EXEMPT INFORMATION – PARAGRAPHS 13 AND 14) (SCRUTINY COMMITTEE – HOMES AND SAFE COMMUNITIES) –**

Approval was sought to proceed with the award of the Hawksley Bungalows refurbishment scheme JCT Intermediate Contract.

This was a matter for Executive decision.

Cabinet, having considered the report and all the issues and implications contained therein,

**RESOLVED –**

- (1) T H A T the award of the Hawksley Bungalows refurbishment scheme JCT Intermediate Contract to SMK Building and Maintenance Limited be approved.
- (2) T H A T delegated authority be granted to the Monitoring Officer / Head of Legal and Democratic Services, in consultation with the Cabinet Member for Housing and Building Services and the Director of Environment and Housing, to prepare and execute a contract with the successful contractor.

Reasons for decisions

- (1) To comply with the Council's Contract Standing Orders, which require contracts with a value in excess of £300k to be agreed by Cabinet.
- (2) To enable the contract documentation to be finalised.