

**FLINTSHIRE COUNTY COUNCIL**  
**10 MAY 2016**

Minutes of the Meeting of Flintshire County Council held in the Council Chamber, County Hall, Mold on Tuesday, 10 May 2016

**PRESENT: Councillor Peter Curtis (Chairman)**

Councillors: Bernie Attridge, Glyn Banks, Haydn Bateman, Chris Bithell, Helen Brown, Derek Butler, Clive Carver, David Cox, Paul Cunningham, Adele Davies-Cooke, Alan Diskin, Glenys Diskin, Chris Dolphin, Ian Dunbar, Andy Dunbobbin, Carol Ellis, Jim Falshaw, Veronica Gay, Ron Hampson, George Hardcastle, David Healey, Cindy Hinds, Ray Hughes, Hilary isherwood, Joe Johnson, Christine Jones, Kevin Jones, Richard Jones, Colin Legg, Phil Lightfoot, Richard Lloyd, Mike Lowe, Dave Mackie, Hilary McGill, Sara Parker, Mike Peers, Vicky Perfect, Gareth Roberts, David Roney, Aaron Shotton, Paul Shotton, Ian Smith, Nigel Steele-Mortimer, Sharon Williams, David Wisinger, Arnold Woolley and Matt Wright

**APOLOGIES:**

Councillors: Alex Aldridge, Marion Bateman, Ron Davies, Rosetta Dolphin, Brian Dunn, Robin Guest, Alison Halford, Rita Johnson, Brian Lloyd, Nancy Matthews, Ann Minshull, Billy Mullin, Tim Newhouse, Neville Phillips, Mike Reece, Ian Roberts, Owen Thomas and David Williams

**IN ATTENDANCE:**

Chief Executive, Chief Officer (Education and Youth), Chief Officer (Governance), Senior Manager – School Planning & Provision and Committee Officer

**13. DECLARATIONS OF INTEREST**

The following Councillors declared a personal interest as they were School Governors:-

Councillors: Glyn Banks, Haydn Bateman, Helen Brown, Derek Butler, David Cox, Paul Cunningham, Peter Curtis, Adele Davies-Cooke, Alan Diskin, Glenys Diskin, Chris Dolphin, Ian Dunbar, Andy Dunbobbin, Carol Ellis, Jim Falshaw, Veronica Gay, Ron Hampson, David Healey, Cindy Hinds, Ray Hughes, Hilary isherwood, Christine Jones, Kevin Jones, Richard Jones, Colin Legg, Phil Lightfoot, Richard Lloyd, Mike Lowe, Dave Mackie, Hilary McGill, Mike Peers, Vicky Perfect, Gareth Roberts, David Roney, Aaron Shotton, Paul Shotton, Ian Smith, Nigel Steele-Mortimer, David Wisinger, Arnold Woolley and Matt Wright

**14. REFERRAL OF A CALL IN DECISION FROM THE EDUCATION & YOUTH OVERVIEW & SCRUTINY COMMITTEE**

The Chief Officer (Governance) introduced the report and explained that this was the first time the Council had been asked to consider a decision following a call-in. He explained that it was proposed that the instigators of

the call-in be permitted to speak first, with the decision makers then being able to respond, followed by a debate by all Members.

Councillor David Healey expressed concern about whether discussion at Council was in accordance with the Constitution and whether it set a precedent. He said that option 4 had been chosen by the Education & Youth Overview & Scrutiny Committee at the Call-in meeting on 28<sup>th</sup> April 2016, but at previous call-ins, Members had been given clear guidance that option 4 was not a viable option as any decision made by Council would need to be referred back to Cabinet as the decision makers. He felt that the decision to refer it to Council had raised the hopes of pupils, parents and staff at the school. Councillor Healey suggested that the report not be considered by Council at this meeting, but be referred back to Cabinet as soon as possible.

In response, the Chief Officer (Governance) confirmed that it was an 'Executive decision' and that Council could only consider the issue and make a recommendation to Cabinet. The Chief Executive confirmed that this was a properly convened meeting and provided details for Members of the paperwork that had been despatched with the agenda.

Councillor Clive Carver felt that option 4 allowed all Members of the Council to debate the issue, not just those on Education & Youth Overview & Scrutiny Committee.

Councillor Nigel Steele-Mortimer said that he had proposed that option 4 be agreed as he felt that a matter of such importance, which was the future of rural schools, should be discussed by all Councillors. He said that Ysgol Maes Edwin had been earmarked for closure and suggested that it should be recommended to Cabinet that the school not be closed and that further discussions on its future be allowed to take place. He said that in June 2015 there were 73 pupils in the school which was only two below the figure specified when considering the sustainability of a school. On the issue of local usage of the school, Councillor Steele-Mortimer said that it did not matter whether the children being educated at Ysgol Maes Edwin were from Flint Mountain or not. He said that the school may have been chosen by parents because they had close relatives living in the village. He commented on educational status and said that a number of children had come from bigger schools where they did not get on so well and added that parents and teachers had commented on the improvement in the children because of their attendance at Ysgol Maes Edwin. In referring to a federation, he said that time had been given to enter into a federation but a proposal had not been submitted. He felt that Flintshire County Council had a duty to force a federation and could have taken a more proactive approach. He asked Members to vote in favour of keeping the school open and requested a recorded vote.

Councillor Paul Cunningham asked whether the resources were in place to open a new school if one was required in the future and what would happen to the community if Ysgol Maes Edwin closed. He queried whether the data that had been put forward was reliable and where the children that

would live on the housing developments that were being delivered in the local area would be educated if the school was to close. He asked officers to examine the data and carry out additional modelling work on developments in Flint Mountain so that the demand for school places in the area could be identified. Councillor Cunningham asked if the option of a federation could be re-examined, the robustness of the data be reconsidered and the requirement from future developments be examined and that until all of this work was carried out, that the threat of closure be lifted. He spoke of the dynamic Headteacher at the school and the good reports that were received from Estyn. He felt that to close Ysgol Maes Edwin would remove the parental choice and he expressed concern that sending the pupils to bigger schools would have a negative impact on their education. He supported the recommendation made by Councillor Steele-Mortimer.

Councillor Vicky Perfect referred to the proposal to close the school that had been made at the time when the pupil numbers were only two below statutory requirements. She referred to the upheaval a decision to close the school would have on the pupils, their families and the staff at the school and said that 40 children now attended the school and additional families were awaiting confirmation of places. She felt that the £90,000 that had been spent on the school buildings at a time of threatened closure was a misuse of monies. She also commented on the six pupils in attendance at the school who were from Flint Mountain and the issue of parental choice that would be taken away if the school was closed. Councillor Perfect suggested that the threat of closure be lifted for one year to allow a federation to be pursued. She also added that the school had made £40,000 of revenue savings for this year.

Councillor Dave Mackie said that he had requested more recent data on school places but none had been forthcoming. He felt that what had been provided was misleading and in agreeing that there were sufficient vacant places in the area if the school closed, he raised concern that the number of vacant places was too low for future demand. The vacancy rate at primary schools in Flint was 8% and this figure would reduce to 2% if Ysgol Maes Edwin closed; information on the Welsh Government website suggested that this figure should not be higher than 10%. Flint had been placed in a group with Bagillt and this area had an 8% vacancy rate which dropped to 4% if Ysgol Maes Edwin closed and schools in Northop Hall and Ysgol Owen Jones had rates of 10% which would reduce to 6% if Ysgol Maes Edwin closed. The information suggested that an additional 500 to 600 new school places would be needed by 2026 because of new developments in the area. Councillor Mackie felt that this should be taken in to account by Cabinet when considering the future of the school.

Councillor Chris Bithell, the Cabinet Member for Education, spoke of the difficult decision that had been made on the closure of the school. He commented on the much reduced funding because of austerity cuts and said that other services had been cut to enable education and social services to be protected. Money could not be taken from other schools as had happened in the past and he commented on the significantly higher amounts of funding per

pupil at Flint Mountain compared to other schools and suggested that was no longer sustainable. Councillor Bithell commented on pupil/teacher ratios and expressed significant concern about the comments made about the decision to close the school and said that all Members were aware that it was because of the substantial cuts to local government funding. All of the issues raised had already been considered and addressed and the Council could no longer afford to subsidise schools which were receiving large amount of funding per pupil compared to other schools. Estyn had indicated that the standard of education would be of a similar level or better at other local schools and the level 4 Welsh Government categorisation had been confirmed in January 2016; on a scale of 1 – 4, level 4 was the lowest for educational standards. It had also been raised that children should be able to walk to school, but 83% of the children who attended Ysgol Maes Edwin were not from Flint Mountain and walked or drove past their nearest school to attend this school.

The Chief Officer (Education and Youth) commented on the sensitive and challenging issue faced by the decision makers on the provision of education and spoke of the statutory responsibility of the local authority to manage the supply of school places. There was clear evidence that other schools in the area could accommodate all of the pupils from Ysgol Maes Edwin and there were more than sufficient places available; this evidence had been shared repeatedly. On 6<sup>th</sup> January 2016, the Education and Youth Overview & Scrutiny Committee had considered the evidence before them and had made a recommendation to Cabinet to suspend the process to close the school for two months to allow a federation to be considered, even though no options for a federation had been submitted during the consultation period. The comments were shared with Cabinet on 19<sup>th</sup> January 2016 and it was decided to proceed to a formal statutory consultation on the closure and to issue a statutory notice. However, Cabinet confirmed that if a detailed business case for a federation was put forward within 2 months, then it would be considered. On the 19<sup>th</sup> April 2016, in accordance with the school organisation code, Cabinet was required to decide whether to approve or reject the statutory proposal and no modifications could be made at that point. Cabinet focussed on the impact of the quality of the education of the pupils, the need for places and the resources of education and discussions on all areas were considered before determination was made. The Chief Officer reminded members that the view of Estyn was that the standards would be maintained or better at alternative schools.

A range of accurate data had been provided and assurance had been provided that every step would be taken to ease the transition arrangements that would be put in place once the determination was made. The Chief Officer (Education & Youth) also clarified that there were at least two schools in Flint and three rural schools that could accommodate all of the cohort currently at Ysgol Maes Edwin. On the issue of future pupil numbers from potential housing developments, he explained that this had been calculated using a housing yield formula and had been applied to all current housing development planning applications approved by the planning authority. The data showed that there were sufficient alternative places to allow parental choice and the Chief Officer (Education & Youth) added that school transport

would be available for those who were eligible and any additional transport costs would be made out of net savings. Lengthy discussions by both Cabinet and the Education and Youth Overview & Scrutiny Committee had taken place on the issue of federation. The Council's policy was very supportive where schools were willing but any schools involved in a federation needed to be viable. After a lengthy period, no federation proposals had come forward despite efforts.

The length of time that the process had taken had already caused a significant amount of anxiety and uncertainty. The Chief Officer (Education & Youth) reminded Members that Cabinet needed to issue the determination in a timely manner to allow sufficient time to implement the decision and put transition arrangements in place.

Councillor Aaron Shotton welcomed the debate and felt that it was entirely appropriate that the sensitive issue could be debated by Full Council. He expressed significant concern about some of the comments particularly because of the difficult decisions that needed to be made due to the austerity cuts. He said that in actual terms, there were 61 primary schools in Flintshire that had a smaller spend per pupil than Ysgol Maes Edwin. He commented on the funding formula which did not give all schools an equal share but he added that the budget had included a 1% increase for education for 2016/17. He spoke of some Members who had chosen not to support the lobbying case proposed as part of the Medium Term Financial Strategy but reminded Members that difficult decisions about closing schools were made not to save money but to allow redistribution of funds to protect the quality of education in Flintshire. He asked Members to think carefully when voting and of what they would say to their residents who asked whether they could have done something to protect the quality of education against cuts.

Councillor Gareth Roberts referred to the 2/3 of children who were from Flint and in commenting on the Croes Atti development of 700 houses, he said that the expectation was that this would generate the requirement for 300 extra primary school places that could not be accommodated in Flint schools alone. He sought clarification on where children from other developments would be educated if Ysgol Maes Edwin was to close.

Councillor Matt Wright spoke of the huge challenge that was being faced and said that it was unfortunate that the discussions had raised issues of austerity. He commented on the time when he first joined the Council and discussions that had taken place around the policy to deal with small schools at a time that preceded austerity. He felt that it was unfortunate that other schools had not decided to federate but said that it was important to go through the process of federation if it was suitable to do so.

Councillor Derek Butler spoke of the very sensitive issue and expressed his disappointment at some of the comments of other members. He said that discussions had previously taken place about smaller schools but had not been acted on and it was important to remember that subsidising schools could not continue because of austerity cuts. He said that this administration had made brave and difficult decisions and that a forced

federation would not be helpful to any school. He reminded Members that no proposals to federate had been submitted.

The Chief Officer (Education & Youth) repeated the assurance that there were sufficient places at alternative schools and at least five schools could take all of the cohort. There were 182 unfilled places in Flint and 159 in neighbouring rural schools totalling 341 places available. On the issue of future housing developments he commented on the housing yield formula that had produced a maximum figure which did not take account of parental choice or pupils moving into the new homes but who were already in the local education system. The Croes Atti development had three phases with development progressing slower than expected and as at September 2015, 96 units had been developed. Officers had made it clear that there was more than sufficient capacity to meet the yield from known developments but he reminded members of Local Planning Guidance 23 which provided clarification of the requirement for developments to make contributions towards educational contributions. There was also an existing agreement with the Croes Atti developer for land for the construction of a primary school. There were now more than sufficient school places (more than 10%) and was sufficient for the foreseeable future up to 2026.

The Chief Executive spoke of the suggestion for a federation and advised Members that it was not appropriate to enforce a federation. There had been ample time for a federation proposal to be submitted, but none had come forward. He added that if there was to be a federation, then both schools had to be viable as individual entities to meet the tests. There were expectations amongst the schools community that funding would over time be distributed more equally under the local funding formula. He reminded Members that it was important to ensure value for money in all services, whether mandatory or non-mandatory, and that to continue to subsidise Ysgol Maes Edwin was unsustainable.

Councillor Paul Shotton spoke about the voting at the Overview and Scrutiny meeting and said that to retain Ysgol Maes Edwin was not sustainable. He also referred to the significant austerity cuts and the disparity in pupil funding. Councillor Richard Jones sought clarification on Section 106 agreements and felt that the requirement to only allow five payments per project, with a classroom costing £350k, would mean that the funding to allow extra classrooms to be built would never be achieved. He also sought clarification on the earlier comment about an option to build another school and whether this could be built, even if Ysgol Maes Edwin was closed. Councillor Carol Ellis said that the figures had taken account of known development but raised concern about unknown developments on sites in Flint Mountain, Northop and Flint area. She also spoke of the candidate sites under the Local Development Plan and commented on section 106 monies.

The Chief Officer (Education & Youth) reiterated his earlier comments that there were sufficient spaces in five schools for all of the cohort at Ysgol Maes Edwin and a mini admissions round would be carried out. The housing yield figures had identified that there was sufficient capacity in schools for pupils from known developments but added that if a new school was required as a result of the Croes Atti development, it would need to be funded through

the 21<sup>st</sup> century schools programme. The Chief Executive explained that land had been set aside by the developer for a school.

The Senior Manager – School Planning & Provision said that the school organisation programme was complex and had been in place since the Statutory Act had been established. Candidate sites had not been included in the calculations but discussions were undertaken with planning colleagues to ensure such future provision for educational placements was considered in planning applications. Plans could not be made for unknown sites.

In summing up, Councillor Steele-Mortimer said that the school did not deserve the treatment it was getting and that if the threat of closure was lifted then numbers would increase. He felt that federation should be considered and that the local authority and governors should be more proactive about a federation and hold seminars to highlight the options. He asked for a recorded vote and proposed a recommendation that Cabinet be asked to keep the school open; the requisite number of Members stood in support of the request for a recorded vote.

On being put to the vote, there was an equality of voting as follows:-

#### **FOR - KEEPING YSGOL MAES EDWIN OPEN**

Councillors: Glyn Banks, Helen Brown, Clive Carver, Paul Cunningham, Adele Davies-Cooke, Carol Ellis, Jim Falshaw, Veronica Gay, George Hardcastle, Hilary Isherwood, Joe Johnson, Richard Jones, Colin Legg, Phil Lightfoot, Dave Mackie, Hilary McGuill, Sara Parker, Mike Peers, Vicky Perfect, Gareth Roberts, Nigel Steele-Mortimer, Sharon Williams, Arnold Woolley and Matt Wright

#### **AGAINST – KEEPING YSGOL MAES EDWIN OPEN**

Councillors: Bernie Attridge, Haydn Bateman, Chris Bithell, Derek Butler, David Cox, Alan Diskin, Glenys Diskin, Chris Dolphin, Ian Dunbar, Andy Dunbobbin, Ron Hampson, David Healey, Cindy Hinds, Ray Hughes, Christine Jones, Kevin Jones, Richard Lloyd, Mike Lowe, David Roney, Aaron Shotton, Paul Shotton, Ian Smith, David Wisinger and Peter Curtis

The Chairman used his casting vote against the proposal to ask Cabinet to keep Ysgol Maes Edwin open.

The Chief Officer (Governance) advised that as Council had resolved not to raise an objection then the decision to close Ysgol Maes Edwin as of 31 August 2016 with pupils transferring to other schools in accordance with parental preference be implemented.

**RESOLVED:**

That Council raise no objection to the decision to close Ysgol Maes Edwin as of 31 August 2016 with pupils transferring to other schools in accordance with parental preference and that it could therefore be implemented.

**15. ATTENDANCE BY MEMBERS OF THE PRESS AND PUBLIC**

There were six members of the public and one member of the press present.

(The meeting started at 2.30pm and ended at 3.57pm)

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**Chairman**