

EDUCATION, YOUTH AND CULTURE OVERVIEW & SCRUTINY COMMITTEE
29 JULY 2022

Minutes of the meeting of the Education, Youth and Culture Overview & Scrutiny Committee of Flintshire County Council held remotely on Friday, 29 July 2022.

PRESENT: Councillor Teresa Carberry (Chair)

Councillors: Bill Crease, Gladys Healey, Gina Maddison, Dave Mackie, Ryan McKeown, David Richardson, Jason Shallcross and Arnold Woolley

Co-opted Member: Lynn Bartlett

APOLOGIES: Councillor Helen Brown and Wendy White

SUBSTITUTIONS: Councillor David Coggins-Cogan for Councillor Andrew Parkhurst; Councillor Mel Buckley for Councillor Paul Cunningham; and Councillor Ted Palmer for Councillor Carolyn Preece

ALSO PRESENT:

Councillors: Bernie Attridge, Richard Jones, Dave Mackie, and Mike Peers (initiators of the call in)

CONTRIBUTORS: Councillor Ian Roberts (Leader and Cabinet Member for Education), Councillor Dave Hughes (Deputy Leader and Cabinet Member for Streetscene and the Regional Transport Strategy) Chief Executive, Chief Officer (Education Youth and Culture), Corporate Finance Manager, Corporate Manager for Capital Programme and Assets, Senior Manager, Inclusion & Progression

IN ATTENDANCE:

The Education, Youth & Culture Overview & Scrutiny Facilitator Overview & Scrutiny Facilitator and Democratic Services Officer

14. DECLARATIONS OF INTEREST

None.

15. CONSIDERATION OF A MATTER REFERRED TO THE COMMITTEE PURSUANT TO THE CALL IN ARRANGEMENTS

The Chair advised that the Cabinet had considered a report on 'Sustainable Communities for Learning - Mutual Investment Model (MIM) - Financial Close for the 3-16 Campus Project, Mynydd Isa' at a meeting held on 12 July 2022. The decision (Record of Decision 4001) had been called in by Councillors Bernie Attridge, Helen Brown, Richard Jones, Dave Mackie and Mike Peers. Copies of the Cabinet report, Record of Decision and Endorsement of Call in, which identified two reasons for the call in, were included in the agenda pack.

The Education, Youth & Culture Overview & Scrutiny Facilitator explained the procedure for the call in of a Cabinet decision as detailed in the supporting document which was included in the agenda.

The Chair invited the signatories to present the reasons for the call-in to the Committee.

16. SUSTAINABLE COMMUNITIES FOR LEARNING - MUTUAL INVESTMENT MODEL (MIM) - FINANCIAL CLOSE FOR THE 3-16 CAMPUS PROJECT, MYNYDD ISA

Representations from call in signatories

Councillor David Mackie

Councillor Mackie asked if the previous Cabinet had approved the Mynydd Isa project. He said no evidence of a report could be found considering the viability of the Mynydd Isa project or any of the options or evaluation of the effects on other schools. In addition, no evidence could be found of a decision taken by Members to demolish the Argoed School. The previous administration had stated that this item should be considered by Scrutiny so that Members views could be fed back to Cabinet.

Councillor Mackie referred to the meeting of Cabinet on 19 November 2019 when a report on the Mynydd Isa project was considered. He provided information on meetings of the Corporate Resources Overview & Scrutiny Committee and Education and Youth Overview & Scrutiny Committee where reports on the MIM project had been provided since 2019. Councillor Mackie stated that when Members had raised questions on MIM the response had been that MIM was not the same as PFI. There had been no information given to Overview & Scrutiny Committees that the Argoed School was to be demolished.

Councillor Mackie referred to items 1.16 and 1.17 in the report to the meeting of Cabinet on 19 November 2019 on the Mynydd Isa project. Councillor Mackie also referred to the reports relating to the MIM and Mynydd Isa project which had been submitted to the meetings of Cabinet held on 17 March 2020, 14 July 2020, and 16 March 2021. Councillor Mackie said there had been no information in the reports to Cabinet on plans to demolish the Argoed High School.

In conclusion Councillor Mackie said the signatories felt that there should be a report outlining all the options, reasons, and wider implications before the Argoed School was demolished. He asked the Committee to consider option 4 so further consideration could be given to the item at Council. Councillor Mackie explained his concerns around the Council's use of the MIM scheme.

Councillor Richard Jones addressed the Committee. He said he was concerned that the project did not represent good value for money for Flintshire or Wales. He referred to the report on 21st Century Schools - Mutual Investment Model update to the meeting of Cabinet held on 14 July 2020, and said the estimated cost of the annual service charge as stated in the report had increased significantly to £1.187m. Councillor Jones commented on the total cost of the project over 25 years. He said there had been little or no Scrutiny involvement in the funding method decision. He raised questions around intervention rates, capital costs for furniture, fixtures, equipment and Information and

Communications Technology (ICT), building capitalisation period, cost of abortive fees, consideration of options other than the MIM scheme in relation to value for money, and quality of products in terms of 25 years use and beyond.

Councillor Mike Peers commented on the age of the Elfed High School, Buckley, which was considerably older than the Argoed High School and asked if the “right” school was being replaced. He referred to the information in the report on the ‘life-cycle’ of the building and asked for clarification of what Condition A meant. Councillor Peers commented on the escalation in the cost of the annual service charge and asked if there was any guarantee that this would not increase further as the project progressed.

Responses from the decision makers

Councillor Ian Roberts commented on the need for quality educational provision for young people in Flintshire. He referred to the reasons stated by the signatories for the call-in. Councillor Roberts advised that the funding models and projects contained in the Council’s 21st Century Investment Programme had been considered and accepted by the Education and Youth Overview & Scrutiny Committee from 18 January 2018, and Cabinet from 23 January 2018. He said there had been regular reporting of the School Modernisation Programme to Overview & Scrutiny and Cabinet. Councillor Roberts stated the MIM had been debated on numerous occasions and commented that most members of the Education & Youth Overview & Scrutiny Committee had been satisfied with the funding model. Councillor Roberts felt that there had been no lack of member involvement in the decision-making process.

In response to the concerns raised by Councillor Mike Peers regarding the age of school buildings in Flintshire, Councillor Roberts referred to school buildings which were on the Council’s capital programme and cited other buildings in the Council’s portfolio which had been demolished. Councillor Roberts said a report was submitted to the meeting of Education & Youth Overview & Scrutiny Committee on 18 January 2018 on the Welsh Government’s 21st Century Schools Programme, Education Programme Band B, and Mutual Investment Model (MIM). He referred to further reports submitted to the meetings of the Committee held on 28 June 2018, 20 December 2018, 28 January 2021, and 3 February 2022. Councillor Roberts also cited the reports which had been submitted to the meetings of Cabinet on 23 January 2018, 17 March 2020, 19 November 2019, 14 July 2020, 21 September 2021, and 12 July 2022. Councillor Roberts thanked Officers for their work.

The Chief Officer (Education & Youth) outlined the educational benefits of the proposal which would create a single campus with a primary and secondary school and shared facilities which would provide first class learning services for children from 4 – 16 in the Mynydd Isa area. She explained that the ambition was to have a single governing body which would be more efficient and streamline the operational business model of both schools. The Chief Officer advised that the current infant and junior provision in Mynydd Isa was provided on two separate sites which was inefficient for management purposes and created a need for transition which research demonstrated caused anxiety and slowed pupils’ rate of progress. Both schools currently worked well within their

consortium group, and she commented on the excellent outcome of the recent Estyn Inspection of Mynydd Isa Primary School.

The Chief Officer explained that the Welsh Government had introduced a new curriculum in Wales which all primary schools would adopt from September 2022 and secondary schools would introduce in September 2023. She said it was critical that primary and secondary schools worked together to create a seamless curriculum offer for learners and the proposal to create a single campus at Mynydd Isa would enhance this. Commenting on the well-being of children and young people the Chief Officer said that the opportunity to have all learners on the same site with both schools working together and aligning policies around attendance, behaviour, and well-being, would be a positive experience which could be sustained to the end of a pupil's secondary education.

The Chief Officer commented on further benefits of the proposal and cited the opportunities for the extended professional development of staff and the greater use of specialist staff. Referring to Additional Learning Needs, she explained that both Mynydd Isa and Argoed High schools had County specialist resource units to support children with additional learning needs which focussed on speech and language difficulties. The Chief Officer said it was particularly important that specialist support for pupils was maintained and additional support was given during transition from primary to secondary education. Argoed High School also had resources for pupils with social communication difficulties, including pupils with a diagnosis of autism, and the proposal provided a purpose-built area to support learners' needs. In conclusion the Chief Officer said that a co-located campus and the benefits created by the arrangement was essential to the delivery of high-quality education for learners in the area and she fully supported the proposed model.

The Corporate Manager for Capital Programme and Assets provided background to the MIM scheme and outlined the advantages which he said provided additional funding to the investment programme. He explained that without the MIM a reduced programme would be available based on investment through the traditional capital route. He advised that a project had to meet specific criteria to be eligible for the MIM funding. In response to a question raised by Councillor Richard Jones, the Corporate Manager reported on how the project would be managed. He gave a brief overview of progress and explained that planning consent had been granted in January 2022, the design/development process had been completed and the project was now at the construction stage. The Constructor was currently compiling the actual final costs of the work modules on the construction project.

The Corporate Manager provided clarification in response to the questions and comments which were raised by Members on costs and referred to the capital contribution, annual service charge, project fees, and accumulated costs if the project was aborted. The Council's full Business Case was currently being considered by the Welsh Government (WG) and the project would only proceed following Ministerial approval. It was expected that formal notification would be received from WG mid August.

In conclusion the Corporate Manager commented on the timeline for the new build, the age and poor condition of the existing primary and secondary

schools in Mynydd Isa, and the reasons why the existing buildings could not be remodernised or amalgamated with neighbouring schools. The Corporate Manager gave reassurance that the WG would be providing full support for contract management of the project during the next 25 years.

The Corporate Finance Manager gave further reassurance that the Council's Finance officers had been fully involved in all aspects from the start of the project. He said MIM appeared to be the best option for an ambitious and balanced project. The Corporate Finance Manager reported on the revenue and capital budget implications.

The Chief Executive commented on the need to consider the wider value the project would create in the community and the improvement in educational standards as a result.

The Chair asked the signatories of the call-In if they had further questions.

Councillor Mike Peers asked what would happen if the contractor went into liquidation during the 25 years 'life cycle'. The Corporate Manager for Capital Programme and Assets explained that Welsh Education Partnership Company (WEPCo) held responsibility for appointing a replacement contractor and said the risk was with them.

Councillor Richard Jones asked for further clarification on the annual service charge funding cap and the contribution to be made by the Council. The Corporate Manager for Capital Programme and Assets explained that the actual cost was expected to be lower than the capped figure, however, there was no approval to proceed if the cap increased. He also advised that the capital figure was a one-off payment to procure furniture, fixtures and equipment. Councillor Jones referred to the reasons for the call-In which was to ensure there was continued 'value for money' due to the significant increase in the MIM contractual costs.

The Chair asked if any members of the Committee wished to raise a question.

Councillor Bill Crease reiterated the concerns expressed by Councillor Jones around the funding cap and whether the project still delivered 'value for money' due to the increased costs.

Councillor Ian Roberts, referred to the two reasons for the call-In as appended to the agenda. He thanked officers for their full and precise accounts of the educational, financial, and social implications to ensure 'value for money' was achieved.

Councillor David Mackie stated that he could not find a report which compared the Mynydd Isa project to any other options and no record of a decision taken by Members which agreed that the project would go forward. Councillor Mackie said the Corporate Finance Manager had explained that the MIM scheme had been thoroughly considered by the Council's finance officers and approved and he was therefore satisfied that it was fit for purpose. However, he remained unsatisfied that a report had not been provided which detailed the

purpose of the project, approval by Members, and that it had been substituted for an earlier project to be built in Saltney.

Councillor Ian Roberts thanked Councillor Mackie for his comments and in response he drew attention to a report on the Mutual Investment Model (MIM) 21st Century Schools Welsh Education Partnership – Deed of Adherence which was considered at the meeting of Cabinet on 21 September 2021. Councillor Roberts emphasised that systems were in place which enabled Members at any point to raise concerns and request that further consideration be given to matters by Overview and Scrutiny Committees.

Councillor Bernie Attridge reiterated that the reason for the call-In was due to the significant increase in costs of the MIM scheme since 2018 and said this matter had not been raised for consideration by Overview & Scrutiny.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 – TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

That the press and public be excluded from the meeting during consideration of the following item by virtue of exempt information under Paragraph(s) 14 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

At this point, the livestreaming and recording of the meeting was paused.

17. **CONFIDENTIAL APPENDICES TO AGENDA ITEM NUMBER 4: SUSTAINABLE COMMUNITIES FOR LEARNING – MUTUAL INVESTMENT MODEL (MMI) FINANCIAL CLOSE FOR THE 3-16 CAMPUS PROJECT, MYNYDD ISA**

Councillor Richard Jones raised a number of questions around what additional advantages were to be gained by the Council from the Contract, and referred to the community benefits, local interests, and local contract arrangements. He sought clarification on paragraph 12.13.1 (page 57 of the report), and reference to delegated low value trade, and also paragraph 2.05 in the Cabinet report and reference to wear and tear.

The Chief Executive responded to the comments and questions raised by Councillor Jones on the social value implications and advised that it was a prerequisite of the contract that the supply chain should seek to utilise as much Welsh labour and resources as possible.

Speaking in support of the Chief Executive's response to Councillor Jones, the Chief Officer (Education, Youth and Culture) advised that the Council had a dedicated officer to monitor the social value of contracts. The Corporate Manager for Capital Programme and Assets provided further response and clarification to Councillor Jones on social value, delegations, maintenance arrangements and contract management.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 – TO RESTART THE LIVE STREAM FOR THE PRESS AND PUBLIC

RESOLVED:

That following consideration of the confidential item the live streaming of the meeting be resumed to enable the press and public to view the remainder of the meeting.

At this point, the livestreaming and recording of the meeting was resumed.

18. SUSTAINABLE COMMUNITIES FOR LEARNING - MUTUAL INVESTMENT MODEL (MIM) - FINANCIAL CLOSE FOR THE 3-16 CAMPUS PROJECT, MYNYDD ISA

The Chair invited the initiators of the call in to sum up.

Councillor Richard Jones spoke on behalf of the signatories of the call-in and thanked everyone for their contribution. He commented on the increased costs of the MIM project, citing the increase in annual service charge, and said that the concept of ensuring continued 'value for money' was not only in terms of financial considerations but also the social and educational benefits to be gained. Councillor Jones said that the signatories of the call-in remained concerned about why an earlier project for new school build in Saltney had been substituted by the Mynydd Isa project. Councillor Jones said the signatories wished the Cabinet to reconsider the project in Mynydd Isa in view of the concerns raised and also to determine whether it remained 'value for money'.

The Chair invited the decision makers to sum up.

Councillor Ian Roberts reminded Members that there had been opportunities to raise concerns on the matters raised at an earlier stage. He advised that the increase in the annual service charge from £681k in 2017 to current costs was not comparable. Councillor Roberts referred to the reasons for the call-in and citing the second reason he urged members of the Committee to raise any items they wished to be scrutinised during consideration of the Committee's Forward Work Programme. Councillor Roberts emphasised that Cabinet had given due consideration to the project on numerous occasions as previously advised.

The Chair invited the Education and Community Overview & Scrutiny facilitator to remind Members of the options for decision-making as detailed in item 3 of the agenda.

Councillor David Mackie proposed Option 4 and this was seconded by Councillor Bill Crease.

Councillor Ted Palmer proposed Option 1 and this was seconded by Councillor David Coggins-Cogan.

The Overview & Scrutiny Facilitator gave a reminder of the voting procedure and advised that having been moved and seconded, the substantive

Motion would need to be put to the vote before an alternative option could be considered.

The Chair asked Members of the Committee to vote on Option 4. When put to the vote the proposal was lost.

The Chair asked Members of the Committee to vote on Option 1. When put to the vote the proposal was carried.

In her closing remarks the Chair thanked everyone for their attendance and contribution and said close scrutiny was welcomed and valued. She said the project would reduce the impact of transition on pupils, increase the expertise available for students at Key Stage 2, facilitate more close relationships with families, meet the individual needs of students, and provide physical accessibility for all.

RESOLVED:

That, having considered the decision, the Committee was satisfied with the explanations received and therefore the decision may now be implemented.

19. MEMBERS OF THE PRESS IN ATTENDANCE

There were no members of the press in attendance.

(The meeting started at 2.00 pm and ended at 4.04pm)

.....
Chair