CABINET
6 AUGUST 2015

Minutes of the meeting of the Cabinet of Flintshire County Council held at Council Chamber, County Hall, Mold CH7 6NAon Thursday, 6 August 2015

PRESENT: Councillor Aaron Shotton (Chair)
Councillors: Bernie Attridge (Deputy Leader), Chris Bithell, Helen Brown, Derek Butler, Kevin Jones and Billy Mullin

APOLOGY:
Councillor Christine Jones.

ALSO PRESENT:
The following Councillors attended as observers:
Councillors: Ron Davies, Dave Mackie, Nancy Matthews, Mike Peers and David Roney

IN ATTENDANCE:
Chief Executive, Chief Officer (Education and Youth), Chief Officer (Governance), Corporate Finance Manager, Programme Co-ordinator – School Modernisation, Secondary Schools Officer and Committee Officer

57. DECLARATIONS OF INTEREST

Following advice from the Chief Officer (Governance) in line with the Member Code of Conduct Paragraph 12, Councillors Helen Brown, Derek Butler, Kevin Jones, Billy Mullin and Aaron Shotton declared a personal interest in agenda items 3 and 4 (minute numbers 54 and 55) as they were School Governors.

58. SCHOOL MODERNISATION - SCHOOL STANDARDS AND ORGANISATION ACT 2013 - JOHN SUMMERS HIGH SCHOOL

Councillor Chris Bithell, Cabinet Member for Education, introduced the report to inform Cabinet of the responses from the statutory consultation period on the sustainability of John Summers High School and options for future educational provision in the area. The report also informed Cabinet of the outcomes from the Education and Youth Overview and Scrutiny Committee and invited Cabinet to determine whether to proceed with a statutory proposal for school organisational change.

In February 2015 Cabinet had agreed to open consultation on how best to secure resilient high quality education for the local area and its learners following consideration of the risk posed by low current and projected pupil numbers for the John Summers High School. The consultation, which included a proposal to close the school, ran from 5 June 2015 to 17 July 2015 and involved statutory stakeholders and meetings were also held with school governors, parents, staff and pupils. The main concern was the current low numbers of pupils at the school and the projected continuation of low numbers; the Council's requirement for a secondary school to be sustainable was 600 pupils in total, or 120 per 11-16 year group. Councillor Bithell explained that there were currently 2,113 surplus

places in secondary schools across the County and that the Council had a duty to deal with the surplus places and therefore spending money on John Summers High School, which did not have enough pupils, was unsustainable. The need to deal with the issue was now more urgent due to cuts to funding for local government and the substantial challenges that this brought.

Discussions had taken place on the future projections of pupils from the Northern Gateway development and it had been suggested that this would make the school sustainable. This was not the case and therefore retention of the school could not be supported. It had been hoped that John Summers High School would attract 85% of pupils from local primary schools but for the previous two years only 60% of children attended from local primary schools with 40% choosing to attend other schools. The Northern Gateway development could take up to 13 years to complete and based on the current formula would only generate an estimated 200 secondary school pupils. Councillor Bithell said that it had been claimed that parents had chosen to send their children to other schools because of the uncertainty over the school but even when there was the possibility of the Council building a new campus on the site, the pupil numbers did not increase and the downward trend had continued. It was reported that pupil numbers had been falling each year since 2006 which was before any suggestion of the school closing and the consequences of retaining the school were included in the report that had been considered by the Education and Youth Overview & Scrutiny Committee at its meeting on 30 July 2015.

School budgets were based on pupil numbers and to enable John Summers High School to meet its curriculum requirements, a considerable subsidy would be required. Funding per pupil at John Summers High School was £5,180 per pupil which was £1,285 more than the £3,895 per pupil at Castell Alun High School. The Council would be unable to continue to subsidise John Summers without adversely impacting on other schools which were already comparatively lowly funded. Councillor Bithell said that reductions in funding would inevitably result in reductions in teaching posts which would create problems in delivering the national curriculum. Other concerns that had been raised included the range of alternative schools available, access to transport to other schools, transitional arrangements, impact on staff, new uniform provision and continuity of study for students in GCSE study groups. All of these issues had been considered and were addressed in the consultation report.

Councillor Bithell said that the proposal to close the school was one of the most controversial that Cabinet had been asked to consider but unfortunately due to the sizeable amount of local people who chose not to send their children to John Summers High School, retention with current funding was not an option. He commented on the choice of parents to send their children to schools which had surplus places. Following consideration of the responses from the statutory consultation and the comments from the Education and Youth Overview & Scrutiny Committee, Councillor Bithell proposed that the Sixth Form be closed from 2016 and the school be closed from 2017 and that the decision be passed to the Welsh Government Minister for final determination.

The Chief Officer (Education and Youth) explained that the key task for Cabinet was to determine the next steps on the sustainability of John Summers High School taking account of the comments in the consultation report and from

the Education and Youth Overview & Scrutiny Committee meeting on 30 July 2015. It was reported that John Summers High School could not be sustained year on year with the current low number of pupils and increased budget pressures of 2% for 2015/16 and a higher increase for 2016/17 due to the single tier pension pressure. The significantly higher subsidy for John Summers High School when compared to other schools was unsustainable and would have an impact on other schools if this were to continue. The Finance Team had made an assessment based on funding for pupil numbers and reduced teaching provision and it was anticipated that assuming that the level of pupils at the school remained static, additional funding of £267,000 per year would be needed based on the school funding formula which was applied for all schools. Using the existing formula the school could face a 16% reduction in funding over the next four years which would equate to the need to reduce teaching posts by at least 6.5 or 20% which was unsustainable. By 2019/20 this would result in a reduction of 8.7 full time equivalent posts or 26% of staff if a further loss of 10% based on current allocation was applied, which again was unsustainable.

The Council had a duty to consult local people when considering the proposal to close the school but if the reducing pupil numbers continued the school could not be retained. On the issue of alternative schools, the Chief Officer (Education and Youth) advised that there were sufficient places in Connah's Quay and St. David's High Schools for pupils who would be transferred if John Summers High School closed and for future year groups that were eligible to attend Hawarden High School at year 7. Options for transport were being considered and support would be provided for all year groups who were working through their options. There would be no disruption to the GCSE study groups as detailed study plans would be in place.

The Leader, Deputy Leader, Cabinet Member for Education, Chief Executive and Chief Officer (Education and Youth) had all attended the Overview & Scrutiny Committee meeting on 30 July 2015 where the report had been considered and the main concerns of the Committee were reported. The Committee had also made a proposal requesting that the Council's planning officers work closely with the two developers of the Northern Gateway site to come to an arrangement where a sum of money could be agreed and ring-fenced to build a new secondary school when the pupil number threshold 'trigger' was reached. The Chief Officer (Education and Youth) added that the trigger for a sustainable secondary school was 600 students or 120 students per 11-16 year group. It was projected that the eventual Northern Gateway residential developments would yield a total of less than 200 students. It was reported that Estyn had commented that the consultation document provided a clear rationale for a proposal to close based on Council strategy and projected pupil numbers.

Councillor Bernie Attridge, the Deputy Leader and Cabinet Member for Environment referred to the three main concerns highlighted at paragraph 3.03. He requested further information on the alternative schools, in particular Hawarden High School, and asked for additional details on distances to schools and the continuation of the GCSE study groups. In response, the Chief Officer (Education and Youth) advised that in 2016 there would be sufficient alternative places to accommodate all John Summers High School pupils at Connah's Quay and St. David's High Schools. Hawarden High School had an admission rate of 195 pupils per year and currently pupils from 22 primary schools attended from

as far away as Holywell and Ellesmere Port. For 2017, if there were more applications than places available, then those who lived closest to Hawarden High School would be a higher priority than those pupils who lived further away.

On the issue of transport to school, the Council's current policy indicated that pupils who lived over three miles from the school would qualify for free school transport but for lower income families, discretion could be exercised which permitted them to receive free transport if they lived more than 2.5 miles from the school. The Chief Officer (Education and Youth) added that any amendments to the discretionary policy would need to be the subject of a report to a future Cabinet meeting. The Secondary Schools Officer provided details of the proposals for continuity of study for those pupils currently attending John Summers High School. Some pupils would already have completed their studies by the time of the proposed closure and those who would be at Key Stage 3 could be accommodated easily at other schools and he provided details of the arrangements for those pupils who were part way through their GCSE studies. He commented on the collaborative working at Key Stage 4 that was already undertaken with pupils from John Summers, Connah's Quay and St. David's High Schools which had been successful and this arrangement could continue at Connah's Quay. The school had also been very willing to work with John Summers High School to offer the same options at both schools for Year 10 pupils to allow continuity of study.

In referring to the admission figure of 195 for Hawarden High School, Councillor Helen Brown, the Cabinet Member for Housing, queried where children who applied to attend would go if pupils who lived nearer were a priority. She also asked whether John Summers High School would have been sustainable if 70 additional pupils had not been permitted to attend Hawarden High School and queried what impact pupil yield from the candidate sites in the Local Development Plan would have on pupil numbers. Councillor Brown sought clarification on projected numbers of children from smaller planning applications and asked whether the arrangement for a sum of money from the developers at the Northern Gateway site, as proposed by the Education and Youth Overview & Scrutiny Committee, could be 'paid over' now to retain John Summers High School.

The Chief Officer (Education and Youth) responded by explaining that there were 195 places available at Hawarden High School each year and that if there were surplus places available, parents could choose to apply to send their child to the school even if it was not their nearest school. Parents could also appeal a decision not to allow their child to attend their requested school and this process would be undertaken independently and would be binding on the family, school and local authority. This could mean that more than 195 pupils could be admitted to the school in any year group if appeals were successful. He added that admission figures were based on a formula and therefore a policy change would not amend the number of pupils who could be admitted per year and could not change the process for those who could attend the school following a successful appeal. He went on to say that applications could be made to schools in Buckley, Mold and Flint if there were spaces available.

On the issue of candidate sites, the Chief Executive explained that pupil numbers expected from households within planned new housing development

were calculated based on an accepted formula. He said that the Northern Gateway site would be a mix of housing and industrial developments and it was not yet certain when building would commence. The projected 200 pupils that the development would yield would not all opt to attend John Summers High School regardless. If all of the developments identified as candidate sites were built, there would be surplus places in Connah's Quay and St. David's High Schools to accommodate those pupils. Funds could not be requested from the Northern Gateway developers in advance, nor could potential later contributions support ongoing revenue costs. Section 106 agreements allowed negotiations for payments from developers for issues such as educational contributions but this could also not be enforced if there were surplus places available in other schools.

Councillor Kevin Jones, the Cabinet Member for Waste Strategy, Public Protection and Leisure, referred to the issue of transportation to an alternative school, which could result in significant costs for parents. He felt that there was a need to reconsider local and national policy even if this was only for a transitional period. He also commented on the proposals for a new campus on the site under the 21st Century Schools project and queried why this had been proposed when information on low pupil numbers had been known at the time.

The Leader of the Council and Cabinet Member for Finance, Councillor Aaron Shotton, spoke of the comments that had been made about pupil numbers reducing because the school was at threat of closure but he reminded Members that in 2012 when this Administration took over the Council, a possible decision on the closure had been stopped. A bid was made to Welsh Government for funding for a new school despite pupil numbers being low and there were two years where there was a vision to provide a new campus for the area and parents still chose not to send their children to John Summers High School. He added that a new school would have been built if the required pupil numbers had been achieved.

The Chief Executive explained that there was a pattern of reducing pupil numbers from the year 2000. Figures had peaked at approximately 400 in 2004 but had then continued to decline even when there was no school review and therefore no 'threat' of closure. Parental preference had not increased pupil numbers so the provision of a new school under the 21st Century School project could not be justified and the difficult decision to not proceed with the bid was made.

The Chief Officer (Education and Youth) spoke of the need to look at four form entry and what was required for a school retention business case. The report set out the projections and even if the maximum number of pupils came from the development at Northern Gateway, the figure would still be below the trigger of 600 pupils or 120 per 11-16 year group. On the issue of transportation costs, he explained that free school transport was available for primary school pupils whose nearest school was 2.5 miles away which increased to more than 3 miles away for secondary school pupils. The current cost of transport to John Summers High School was £59,470 and the cost of offering discretionary transitional transport arrangements for the current school cohort was an estimated annual cost of £135,125 which was a rise of £75,655 in 2017/18 but would reduce in future years. Councillor Shotton sought clarification on when a

decision would be made if Cabinet referred the decision from this meeting to the Minister to decide and also when a policy decision change for transport costs could be considered. In response, the Chief Officer (Education and Youth) said that Estyn had based their decision on existing policy and reiterated his earlier comments that changes to the discretionary policy would need to be considered at a future meeting of Cabinet. Following a comment from Councillor Shotton, the Chief Officer said that there was a genuine case to be made to support pupils through the period of transition but an open ended decision not tied in to a transition plan would be difficult to sustain.

Councillor Derek Butler, the Cabinet Member for Economic Development, commented on the issue of transportation and the significant cost for parents. He queried whether the £135,125 included those pupils who would be displaced if they had to move to another school because children who lived closer to the school was given priority for a place. He spoke of the Northern Gateway and the figures of between 1300 and 650 dwellings that had been suggested on the site and asked if the developers could be asked to contribute to retaining John Summers High School. Councillor Butler also commented on candidate sites and asked if there was provision within the Vibrant and Viable Places project for school transportation costs.

Councillor Shotton explained that the Vibrant and Viable Places project had been awarded for house improvements in Deeside. On the issue of the Northern Gateway site, as applications had only been submitted in outline, details of the number of houses that would be developed had not been confirmed but the Unitary Development Plan had indicated that a figure of 650 would be provided. He referred to, and sought clarification on, the formula that had been used to identify the yield from the development.

The Chief Executive confirmed that the Vibrant and Viable Places project would not allow funding for mainstream education costs. He added that the development of the Northern Gateway site was not likely to commence before 2017 because of the need to ensure that the correct infrastructure was in place. It would then be in the control of the developer as to how quickly they built the proposed dwellings on the site based on the housing market conditions at that time. The Chief Officer (Education and Youth) advised that projections for the Northern Gateway site had been based on the maximum development site and information received from the Planning Department.

The Programme Co-ordinator – School Modernisation advised that the original formula used had generated a yield of 0.17 secondary school pupils per household and had been devised by the Management Information System and had looked at data from other authorities. Since the 'Pause and Review' further information had been received and the formula had been reviewed and had resulted in a yield of 0.15 secondary school pupils per unit.

Councillor Billy Mullin, the Cabinet Member for Corporate Management, sought clarification on whether there were alternative funding streams that could be utilised to provide funding for John Summers High School. In response, the Chief Executive explained that the only area of funding for schools was the 21st Century Schools programme. The Cabinet had already accepted that this programme could not be accessed because the school did not meet the criteria

due to low pupil numbers which did not reach the four form entry requirement of 600 pupils. Any capital funding requirements would otherwise need to be found from the Council's capital budget and there were insufficient funds to provide a new school without government subsidy.

Councillor Brown raised concern that residents would not move to the Northern Gateway site if there was no local secondary school available and queried what would happen to the school site if a decision was made to close the school and it was demolished. The Chief Executive advised that the developers had not expressed any concerns that closure of the school would affect their plans. On the issue of the site, the Chief Officer (Education and Youth) advised that steps were not taken to make alternative use of or dispose of any site before a decision was made on the school and therefore any discussion on the issue would be premature. Councillor Shotton felt that this was an important point as speculative comments on the possible future use of the site had been made locally.

In response to a comment from Councillor Attridge, Councillor Bithell indicated that 60% of parents from the local area chose to send their children to John Summers High School but 40% of children went elsewhere.

Councillor Shotton reiterated earlier comments that this was a difficult decision for Cabinet to make and said that the popular option would be to retain the status quo and keep the school open, but this was not possible. Estyn had made comments about the number of surplus places in Flintshire's schools and the Council had been criticised for this. Due to the current austerity measures it was not possible to continue the subsidy provided for John Summers High School which was significant when compared to other schools. He spoke of the comments made to him by Headteachers about the funding formula and the anxiety that reducing budgets was causing. He added that even if pupil projections remained static, this would result in a reduction of 6.5 teaching posts at the school which would have a significant impact. The Chief Officer (Education and Youth) advised that this size of reduction would make it impossible to deliver a viable curriculum.

In summing up, Councillor Bithell proposed the recommendations in the report along with the closure of the Sixth Form from 2016 and the closure of the school from 2017 and to refer the decision to the relevant Minister.

Councillor Shotton said that he could see no alternative but to vote for the suggested proposal. He reminded Members that the Council did not have sufficient funds to retain the school and suggested that if the Minister was minded to keep the school open then funding would need to be provided from Welsh Government to keep it sustainable. The Chief Officer (Governance) confirmed that this could be included in the decision of Cabinet.

Councillor Bithell agreed to include the suggestion in his recommendation and this was duly seconded.

RESOLVED:

(a) That Cabinet decided to close the Sixth Form from 2016 and the school from 2017 and refer the decision to the relevant Minister; and

(b) That officers write to the Minister requesting that should the school be retained then Welsh Government would need to provide funding.

Following a short adjournment, the meeting resumed at 11.35am.

59. SCHOOL MODERNISATION - SCHOOL STANDARDS AND ORGANISATION ACT 2013 - SALTNEY, ST. DAVID'S POST 16 STATUTORY PROPOSALS

Councillor Chris Bithell, the Cabinet Member for Education, introduced the report to inform Cabinet of responses from the statutory consultation period for the proposal to change the age range at St. David's High School, Saltney and to seek approval to proceed to the next stage of the process as defined in the School Organisational Code.

The proposals were to reduce the age range at the school from 11-18 to 11-16 and in February 2013 Cabinet resolved that approval be given for the commencement of consultations which received one response. Following a recent judicial review of a contested school reorganisation decision in South Wales, it was decided to re-run the consultation and this was undertaken from 5th June 2015 to 17th July 2015. It attracted two positive responses from Coleg Cambria and Estyn and their responses were detailed in the report. The North Flintshire consortium was no longer viable and the Council had successfully progressed post 16 proposals for Connah's Quay and Holywell and was currently progressing proposals for both St. David's and John Summers High Schools. St. Richard Gwyn and Flint High Schools had also formed their own consortium for post 16 provision. It was expected that the new hub would open in 2016 which would effectively allow the continuation of the consortium arrangements.

The Chief Officer (Education and Youth) welcomed the work that had been undertaken by the Leadership at the school on the development of the new centre and to facilitate the changes even before the proposals had been agreed. He added that the implementation plan was being carried out in line with proposed timescales and budget.

Councillor Derek Butler, the Cabinet Member for Economic Development, said that the proposals were supported and that approval of the change to reduce the age range from 11-18 to 11-16 was the way forward.

RESOLVED:

That Cabinet resolve the continuation of the proposal and process, resulting in the proposal being submitted to the Welsh Minister for determination.

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

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

RESOLVED:

That the press and public be excluded for the remainder of the meeting for the following item by virtue of exempt information under paragraph 15 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

61. EDUCATION AND YOUTH SENIOR MANAGEMENT RESTRUCTURE

Councillor Chris Bithell, the Cabinet Member for Education, introduced a report to seek the final approval of Cabinet for implementation of the new senior management structure in Education & Youth delivering reductions in costs, providing opportunities for career development and meeting organisational design objectives.

The Chief Officer (Education and Youth) explained that the Education and Youth Overview & Scrutiny Committee had been supportive of the proposals at its meeting on 30th July 2015. He provided details of the savings that would be made if the restructure was agreed by Cabinet.

Councillor Bernie Attridge, the Deputy Leader and Cabinet Member for Environment, sought clarification on the proposed savings and the Chief Officer (Education and Youth) provided details and explained that the proposals were in line with the business plan.

RESOLVED:

That Cabinet approve the proposed changes set out in the report for implementation following the completion of workforce consultations.

62. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were 49 members of the public and three members of the press in attendance.

(The meeting started at 10.00 am and ended at 11.45 am)

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Chair