

SPECIAL MEETING OF THE COUNCIL

Date of Meeting	Tuesday, 10 th May 2016
Report Subject	Referral of a call in decision from the Education & Youth Overview & Scrutiny Committee
Cabinet Member	Cabinet Member for Education & Youth
Report Author	Chief Officer (Governance)
Type of Report	Strategic

EXECUTIVE SUMMARY

The Cabinet decision (3255) relating to School Modernisation – School Standards and Reorganisation Act 2013 – Ysgol Maes Edwin was called in by five members and subsequently considered by the Education & Youth Overview & Scrutiny Committee. The call in meeting was held on 28th April. The details of the call in process are outlined within the report. The committee resolved on option 4, which is to refer the decision to the County Council.

The committee was made aware that the decision is an ‘executive decision’ and that referring it to Council would not alter the decision. Council may only consider the issue and make a recommendation to the Cabinet. The Cabinet is not bound to act on any recommendation which is made by Council.

The final decision on this issue will be made by the Cabinet at its meeting on 17th May 2016. At this stage of the statutory process Cabinet can only implement or reject the statutory notice of closure. If it wished to substitute an alternative course of action, such as federation, then afresh consultation process would be required,

RECOMMENDATIONS

1	That the Council considers the referral from the Education & Youth Overview & Scrutiny committee
2	That the Council acknowledges that any recommendation which it may choose to make on this issue is not binding on the Cabinet.
3	That the Council notes that the final decision on this issue will be made by the Cabinet at its meeting on 17 th May 2016.

REPORT DETAILS

1.00	EXPLAINING THE CALL IN PROCESS
1.01	<p>Members will be aware that following each meeting of the Cabinet, the record of decisions is published. Within five working days of the publication of the record of decisions, any four members acting together may initiate a call in of a Cabinet decision. The call in is then considered by the appropriate Overview & Scrutiny Committee.</p>
1.02	<p>At the meeting of the Cabinet which was held on 19th April 2016, a report School Modernisation – School Standards and Reorganisation Act 2013 – Ysgol Maes Edwin was considered. The recommendations of that report , which were approved were as follows:</p> <ul style="list-style-type: none">(a) Cabinet is requested to consider the responses from the statutory objection period for Ysgol Maes Edwin, Flint Mountain; and(b) Cabinet is requested to determine whether to implement the proposal for school organisational change at Ysgol Maes Edwin, Flint Mountain.
1.03	<p>The decision of the Cabinet, which was published as Record No 3255 is as follows:</p> <p><i>That Ysgol Maes Edwin be closed as of 31/0816 with pupils transferring to other schools in accordance with parental preference.</i></p>
1.04	<p>That decision was called in by Councillors Nigel Steele-Mortimer, Dave Mackie, Hilary Isherwood, Paul Cunningham and Vicky Perfect on the following grounds:</p> <p><i>The decision is against the best interests of the pupils, parents and staff of Ysgol Maes Edwin.</i></p> <p><i>We believe that this decision is not in the best interests of the children involved because it would mean that they would have to travel to schools which are outside their village and thus further away. Ideally, children should be able to walk to their school.</i></p> <p><i>Closing this school will impair or even destroy the vitality of the local community by removing the school which is at its centre. One such facilities go, economies of scale arguments tend to be made against for their return in any form.</i></p> <p><i>Rural areas, by their nature tend to have small schools. We know that their ability to attract more pupils is often hampered by house prices within those rural areas. Those house prices mean that our young people often have to leave the villages and gravitate towards the towns when they want to set up their own homes and start families. We believe that our rural and village schools need to be treated sympathetically to keep them, to prevent our villages becoming dormitories, rather than communities.</i></p>

1.05	The call in was heard by the Education & Youth Overview & Scrutiny Committee at the 10.00 meeting on Thursday 28 th April 2016. The agenda papers for that meeting are appended to this report.
1.06	In speaking in support of the call in, the initiators expressed their concerns at the reaction of neighbouring schools in not being more proactive and coming forward to help through a federation. It was suggested that within the powers available to the Council, federation should be forced. In relation to issues around future financing, it was opined that the Council should look at reducing funding to non-statutory services before looking at education which was a statutory service. There was also concern around future housing developments in both Flint and Northop Hall. Children from those developments would ensure the sustainability of the school but if it closed, it would have a negative impact on neighbouring schools. In addition, there was concerns at the travel time for pupils if their local school closed.
1.07	Questions were asked about whether additional teaching staff and extensions to school buildings would be required if the pupils from Ysgol Maes Edwin had to attend another school, therefore increasing pupil numbers and costs.
1.08	In responding to all the questions and concerns raised by Members, the Chief Officer (Education & Youth) explained outlined that all the concerns had already been responded to within the consultation document presented to Cabinet on 19 th April.
1.09	<p>Members may recall that at a call in meeting, there are four options available to the committee. These are</p> <p>Option 1: If, having considered the decision, the Overview & Scrutiny Committee is satisfied with the explanation which it has received, it will indicate as such, in order for the decision to be implemented.</p> <p>Option 2: If, having considered the decision, the Overview & Scrutiny Committee is 'no longer concerned', having received the explanations, but is not minded to indicate that it is 'satisfied with the explanation', then it is in order for the Committee to resolve that 'the explanation be accepted <u>but not endorsed</u> by the Overview & Scrutiny Committee'.</p> <p>Option 3: If, having considered the decision, the Overview & Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. If referred to the decision maker then the decision maker shall then reconsider, at the earliest scheduled meeting, amending the decision or not, before adopting a final decision.</p> <p>Option 4: If, having considered the decision, the Overview & Scrutiny Committee is still concerned about it, then it may refer the matter to full Council. If referred to full Council, the Council shall meet to consider the referral within 10 working days unless there is a scheduled meeting of the full Council at which the matter may be considered within the expiry of a further 5 working days.</p>

1.10	Prior to making that decision, the committee was advised that the decision is an 'executive decision' and that a referral to Council could not alter the decision. The Council has power to consider the referral and to make comments on it but must then refer the issue back to the Cabinet. The decision on this remains with the Cabinet which is not bound to act on any recommendation which is made to it by Council.
1.11	Despite the assurances given by the decision makers, the choice of the Education & Youth Overview & Scrutiny committee was option 4, referral to Council.
1.12	Following consideration by Council, the Cabinet will reconsider this issue at its meeting on 17th May 2016 in the light of the call in and the referral to Council. The Cabinet will then make the final decision on the closure of Ysgol Maes Edwin, which will not be subject to any further call in.
1.13	At this stage of the statutory process the options open to Cabinet are limited. It can either agree to implement the statutory proposal to close the school or not. If Cabinet wished to further explore federation (noting that no federation proposals have been forthcoming to date) then it would need to reject the current statutory proposal and begin a fresh consultation on federation under the relevant regulations. This would run until approximately September and if a partner could be found then it would take effect 100 days after being approved (mid Spring term 2017).
1.14	Should federation not succeed then a fresh consultation (beginning in September and lasting around 7 months) would be required to close the school.

2.00	RESOURCE IMPLICATIONS
2.01	As identified in the attached report to Cabinet on 19 th April 2016.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	As identified in the attached report to Cabinet on 19 th April 2016.

4.00	RISK MANAGEMENT
4.01	As identified in the attached report to Cabinet on 19 th April 2016.
4.02	If the current statutory process is discontinued then there would be a prolonged period of uncertainty for the school, families and the learning community.

5.00	APPENDICES
5.01	Report to the Education & Youth Overview & Scrutiny Ysgol Maes Edwin call in meeting held on 28 th April 2016.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Report to the Education & Youth Overview & Scrutiny Ysgol Maes Edwin call in meeting held on 28th April 2016.</p> <p>Contact Officer: Robert Robins, Member Engagement Manager Telephone: 01352 702320 E-mail: robert.robins@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
	Call in: under section 21 (3) of the Local Government Act 2000, an Overview & Scrutiny committee can review a decision which has been made but not implemented. This is known as 'call in'.