

**New School Provision To Serve Parts Of Pontprennau And Old St Mellons: Pre- Decision Scrutiny**

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**Purpose of Report**

1. To provide Members with the opportunity to carry out pre-decision scrutiny of the draft report to Cabinet, to consider the proposal by the Governing Body of St Mellons CiW Primary School to:
  - transfer the school to a new school site on the new housing estate at St Edeyrn's (Local Development Plan Strategic Site G),
  - expand from 105 places to 210 places, and
  - extend its age range from 4-11 to 3-11 by incorporating a nursery for 48 part time places
  - in accordance with the requirements of the School Organisation Code.
2. A copy of the report is attached at **Appendix A**, to enable members to comment on it prior to its consideration by the Cabinet at its meeting on the 23 January 2020.

**Background**

3. At its meeting on 4 March 2019 the Governing Body of St Mellons CiW Primary School agreed to hold a public consultation on proposals to:
  - Increase the number of places at the school from 105 places to 210 places;
  - Extend the age range of the school from 4-11 to 3-11 by establishing nursery provision at the school to allow for 48 part-time places;
  - Transfer St Mellons CiW Primary School to a new site on the new housing development at St Edeyrn's.

4. In order to proceed with these proposed changes, the arrangements for admitting pupils to the school would also change. The proposed changes would take effect from September 2021

### **Issues highlighted in the report to Cabinet**

5. At its meeting on 4 March 2019 the Governing Body of St Mellons CiW Primary School agreed to hold a public consultation on proposals. At its meeting on 21 March 2019, Cardiff Council Cabinet noted that a statutory consultation on the proposal was to be undertaken and authorised officers to provide all reasonable assistance. The consultation ran from 03 June to 19 July 2019 and was supported by Cardiff Council.
6. The Governing Body received one objection by the statutory notice closing date. An Objection Report setting out details of the objection and the Governing Body's response was published by the Governing Body on 20 December 2019. A copy of the Objection Report can be seen at **Appendix 4**.
7. The report also states that Parts 1.3 to 1.14 of the School Organisation Code 2018, sets out the factors that should be taken into account by the relevant bodies (the Welsh Ministers, local authorities, governing bodies and other promoters) when exercising their functions of preparing and publishing school organisation proposals, and or approving/determining them. The relevant factors for this type of proposal (1.3 to 1.6, 1.9, 1.11, 1.15) are set out in the following sections of the report:
  - Section 1.3 Quality and Standards in Education (Para 19 – 28)
  - Section 1.4 need for places and the impact on accessibility of schools (Para 29 – 39)
  - Section 1.5 Resourcing of education and other financial implications (Para 40 – 46)
  - Section 1.6 Other General Factors (Para 47 – 51)
  - Section 1.9 Specific factors to be taken into account for proposal to add or remove nursery classes (Para 52 – 58)

- Section 1.11 Specific factors to be taken into account for proposal to increase provision in voluntary schools or establish a new voluntary school (Para 59 – 60)
- Factors to be taken into account in approving / determining school organisation proposals (Para 61 – 66)
- Objection report (Para 67 – 70)
- Proposed changes to admission arrangements. (Para 71 – 79)
- Impact on the Welsh Language (Para 83 – 88)
- Traffic and Transport implications (Para 104-118)

8. The Cabinet is recommended to :

- Approve the proposals as set out in paragraph 1 without modification
- Authorise officers to take the appropriate actions to implement the proposals as set out in paragraph 1.
- Authorise officers to publish the decision within 7 days of determination of the proposal.
- Delegate the approval of any necessary contracts to the Director of Education and Lifelong Learning in consultation with the Corporate Director Resources & Section 151 Officer, Director of Legal Services and the Cabinet Members for Corporate Services & Performance and Education & Skills

### **Scope of Scrutiny**

9. The scope of this scrutiny is for Members to consider and provide comments on the draft report to Cabinet.

### **Way Forward**

10. Councillor Sarah Merry (Deputy Leader and Cabinet Member for Education Employment, Skills), Nick Batchelar (Director of Education and Lifelong Learning) Richard Portas (Programme Director for the School Organisation Programme) and Michele Duddridge-Friedl (Operational Manager – Planning and Provision) will present the report to the Committee, and be available to answer any questions Members may have.

11. This report will also enable Members to provide any comments, concerns or recommendations to the Cabinet Member prior to its consideration by Cabinet.

### **Legal Implications**

12. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

### **Financial Implications**

13. There are no direct financial implications arising from this report. However, financial implications may arise if and when the matters under review are implemented with or without any modifications.

## **RECOMMENDATIONS**

The Committee is recommended to:

- a) Review and assess the information contained in the draft Cabinet Report, attached at **Appendix A**, together with any information provided at the meeting;

- b) Provide any recommendations, comments or advice to the Cabinet Member and / or Director of Education and Lifelong Learning prior to the report's consideration by Cabinet.

**Davina Fiore**

**Director of Governance and Legal Services**

**14 January 2020**