

**SCHOOL ORGANISATION PLANNING: TY GLAS ROAD LAND
ACQUISITION**

Purpose of Report

1. To provide Members with the opportunity to carry out pre-decision scrutiny of the report to Cabinet, attached at **Appendix A**, prior to its consideration by the Cabinet at its meeting on the 23 September 2021.
2. The reason for the Cabinet Report is to:
 - Acquire the freehold interest of land at Ty Glas Road, Llanishen to allow the Council to progress options for a mainstream community secondary school and special school provision, in line with an independent valuation and delegate authority to conclude the acquisition.
3. Members are to note that **Appendices 3,4,5 and 6 to this report are not for publication as they contain exempt information** of the description contained in paragraphs 14, 16 and 21 of Schedule 12A of the Local Government Act 1972.

Background

4. Cardiff 2030 is a ten year vision for a Capital City of Learning and Opportunity which builds on the progress and achievements which have been accomplished across the city's education system, since the launch of Cardiff 2020.

5. The strategy sets out an ambitious vision, underpinned by five goals and priority commitments:
 - A Learning Entitlement;
 - Learners' health and wellbeing;
 - Realising the Curriculum for Wales 2022 in Cardiff;
 - A world class education workforce; and
 - High quality learning environments.

6. The Council's Capital Ambition strategy has made a clear commitment to continuing the investment in, and improvement of, Cardiff schools to make sure every child has the best possible start in life. The delivery of 21st century learning environments will ensure that there are appropriate, high quality school places for young people which meets the needs of Cardiff's growing and changing population.

7. The Council are committed to ensuring the Future Generations (Wales) Act and improving the social, economic, environmental and cultural well-being of Wales to create:
 - A prosperous Wales
 - A resilient Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities
 - A Wales of vibrant culture and thriving Welsh language
 - A globally responsible Wales

8. In recent years there has been significant investment in the development of the education estate in Cardiff. However, significant challenges remain around:
 - sufficiency of places to meet growth in the secondary school age population;
 - increased demand for additional learning needs provision;

- suitability of the school estate to meet the demand of 21st Century Learning; and
 - Projected growth in education provision resulting from the Local Development Plan.
9. The Council has set out its vision to invest in its education estate to deliver “*Inspiring, sustainable, community-focused schools in which children and young people can achieve their potential*”.
10. A Cabinet report outlining the strategic investment in the city’s education estate through its Band B 21st Century School Programme was approved on 12 October 2017 (*attached to the Cabinet Report as Appendix 1*). Key programme benefits have been mapped to the four key educational aims as part of the realignment of the Council’s 21st Century Schools Programme as noted above.

Key Proposals of the Cabinet Report

11. The Council is seeking a strategic acquisition of the Ty Glas site, which is a key flexible site in north Cardiff, that allows the Council to bring forward options for secondary Education. The site is of a suitable size to locate a community secondary school and subject to design a secondary special school. The acquisition would enable a future proofing of secondary education provision as the city’s population continues to grow through the development of the strategic housing sites.
12. The strategic acquisition would also accelerate delivery of the Council’s 21st Century Schools programme and provide for greater flexibility in the overall programme particularly in relation to the Council’s ability to bring forward secondary school projects for schools with condition issues on constrained sites. Subject to planning permission, the site could offer accommodations with options of potential uses, such as education for secondary and/ or Additional Learning Needs (ALN).

13. The Council requires flexibility to provide educational services as it seeks to dispose of a number of land assets within the city to secure capital receipts to support the delivery of the new Band B schools programme and capital programme more generally. The scale and strategic location of this site offers the Council potential flexibility to manage its estate, including the potential provision of temporary solutions.
14. The site is well located in the city and benefits from good transport links for the wide area the site could serve. The site is located within the secondary school catchment areas of Llanishen High School and Ysgol Gyfun Gymraeg Glantaf, and is in close proximity to the catchment areas of a number of community secondary schools. The area is also served by Corpus Christi Catholic High School and St Teilo's Church in Wales High School.
15. The general benefits of acquiring a new school site rather than developing a constrained existing one may also include the following:
- No impact on educational delivery and attainment during the construction period;
 - The school would be designed to be located in the optimum location within the new site, rather than on a constrained existing site;
 - No need to consider potentially complex decant arrangements;
 - The school could be designed with greater effectiveness around the vision for the school without limitations brought about by site phasing or site constraints; and
 - The potential for lower construction costs as a result of a faster construction programme.
16. Therefore, consideration has been given to purchasing this site and in doing so supporting the Council's aims and wider aims of the Welsh Government. In line with the agreed heads of terms, the site could be disposed of in the future subject to certain conditions should any Education purposes not be brought forward.

17. Ministerial approval has been given for the acquisition of the Ty Glas site. Welsh Government will support the Council with the full acquisition and demolition costs. This allocation is likely to be reflected within the Band C programme envelope of the Council's 21st Century Schools Programme. The Council will fund operational and holding costs through the SOP Revenue Reserve. It is anticipated that the Council would provide its intervention rate contribution when future workflows are confirmed. Should an education project not come forward in future the Council will look to dispose of the Ty Glas site in accordance with the Council's procedures and reimburse Welsh Government the initial outlay from the land receipts.

Issues highlighted in the report to Cabinet

18. The following issues are highlighted in the Cabinet report, as at **Appendix A**:

- Sufficiency of mainstream and specialist school places (*points 16 – 17*)
- Sufficiency of mainstream primary school places city-wide (*points 18 – 19*)
- Sufficiency of mainstream secondary school places city-wide (*points 20 – 23*)
- Sufficiency of specialist places for children with Additional Learning Needs (*points 24 – 28*)
- Ty Glas site (*points 29 – 33, plus Appendix 2*)
- Land Matters (*points 34 – 38, plus CONFIDENTIAL Appendices 3 – 6*)
- Community Benefits (*points 39 – 41*)
- Sustainability-Low carbon and Bio-diversity (*points 42 – 46*)
- Local Member consultation and Scrutiny Consideration (*point 47*)
- Reason for Recommendations (*point 48*)

19. The draft cabinet report also provides details on the following areas:

- Financial Implications (*points 49 - 54*)
- Legal Implications (*points 55 – 64*)
- HR Implications (*point 65*)
- Property Implications (*points 66 - 69*)
- Traffic & Transport Implications (*points 70 - 100*)
- Equality Impact Assessment (*point 101*)

20. The report is supported by a number of appendices covering:

- **Appendix 1:** Cabinet Report, 12 October 2017
- **Appendix 2:** Red Line site boundary
- **Appendix 3:** Heads of Terms (*confidential item*)
- **Appendix 4:** Due Diligence (*confidential item*)
- **Appendix 5:** Valuer's Report (*confidential item*)
- **Appendix 6:** Commercial Summary (*confidential item*)

Recommendations set out in the Cabinet Proposals

21. The Cabinet is recommended to:

- Subject to contract, acquire the freehold interest for the land at Ty Glas, Llanishen in line with an independent valuation.
- Delegate responsibility to the Director of Economic Development (in consultation with Director of Education) and Section 151 officer for all matters relating to the acquisition of land and demolition.

Scope of Scrutiny

22. The scope of this scrutiny is for Members to consider and provide comments on the draft report to Cabinet, prior to its consideration of the report on the 23 September 2021.

23. Members are reminded that Appendices 3,4,5 and 6 to this report are not for publication as they contain exempt information of the description contained in paragraphs 14, 16 and 21 of Schedule 12A of the Local Government Act 1972. Members are not to discuss or ask questions on these items in the open part of discussions. The Chair will instruct the Committee to go into a closed session, where Members will have the opportunity to discuss these issues.

Way Forward

24. Councillor Sarah Merry (Deputy Leader and Cabinet Member for Education Employment, Skills), Melanie Godfrey (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 be present and available to answer any questions Members may have.

25. 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

26. 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

27. 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

17 September 2021