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**21<sup>ST</sup> CENTURY SCHOOLS, BAND B: EXPANSION AND  
REDEVELOPMENT OF CATHAYS HIGH SCHOOL**

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**Purpose of the Report**

1. To provide Members with the opportunity to carry out pre-decision scrutiny of proposals, attached at **Appendix A**, prior to its consideration by Cabinet at its meeting on the 14 October 2021. The purpose of the attached report is to inform Cabinet of the objections received to the published statutory notice to:
  - Increase the capacity of Cathays High School from 1,072 places (5.5 forms of entry with 247 sixth form places) to 1,450 places (8 Forms of Entry with 250 sixth form places) from September 2023
  - Replace the Cathays High School buildings with new build accommodation on the Maindy Centre site adjacent to Crown Way and North Road
  - Expand the current Specialist Resource Base (SRB) for learners with Autism Spectrum Condition (ASC) from 16 to 50 places in purpose built accommodation

**Background**

2. At its meeting on 17 December 2020, the Council's Cabinet agreed a recommendation to hold public consultation on the proposals as outlined in paragraph 1 of the Cabinet Report at Appendix A. A copy of the Cabinet Report of 17 December 2020 is attached as Appendix 1 to the Cabinet report. A copy of the consultation document outlining the proposals is attached at Appendix 2.

3. At its meeting on 17 June 2021 the Cabinet, in accordance with the terms of the Schools Standards and Organisation (Wales) Act, approved a recommendation for the publication of a statutory notice relating to Cathays High School as set out at paragraph 1. A copy of the Cabinet Report of 17 June 2021 is attached as Appendix 3.
4. The statutory notice was published on 29 June for a period of 28 days to allow for objections. The statutory notice period expired on 26 July 2021. A copy of the notice is attached at Appendix 4.
5. The notice was published on the Council website, posted at the school site and at the Maindy Centre site adjacent to Crown Way and North Road.
6. Copies of the notice were distributed via e-mail to organisations and consultees required under the School Organisation Code 2018.
7. Residents and businesses in the local area were notified of publication of the statutory notice by letter.

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

8. There were 425 objections received by the statutory notice closing date.
9. Of the 425 objections, 18 did not provide full name/ address details. The remaining 407 objections were received from the following communities:
  - Cathays: 97
  - Heath: 83
  - Gabalfa: 50
  - Roath: 25
  - Whitchurch: 16
  - Others (<10 each): 75
  - Outside of Cardiff: 61

10. In accordance with the requirements of the School Organisation Code the Council Cabinet has responsibility for the determination of school organisation proposals including those which receive objections (save for those that are required to be considered by the Welsh Government).
11. In accordance with this, the Cabinet must decide whether to approve, reject or approve with modifications, the proposals. The Council must not approach the decision with a closed mind and any objections must be conscientiously considered.
12. A summary of the objections received and the Council's response is set out in paragraphs 52 – 215 of the Cabinet Report attached at Appendix A and further details can be found paragraph 13 below.
13. The following further issues are highlighted in the Cabinet report, as at **Appendix A:**
  - Requirements of the School Organisation Code (*paragraph 13*)
  - Section 1.3 Quality and Standards in Education (*paragraphs 14 – 17*)
  - Section 1.4 Need for places and the impact on accessibility of schools (*paragraphs 18 - 30; plus Appendix 1*)
  - Section 1.5 Resourcing of education and other financial implications (*paragraphs 31 - 35*)
  - Section 1.6 Other General Factors (*paragraphs 36 - 40*)
  - Section 1.14 Additional factors to be taken into account in preparing, publishing, approving or determining proposals for the reorganisation of SEN provision (*paragraphs 41 - 44*)
  - Section 1.15 Factors to be taken into account in approving/determining school organisation proposals (*paragraphs 45 - 51*)

- Objections to the proposal overview (*paragraphs 52 - 53*)
  - The need for additional school places (*paragraphs 54 - 65*)
  - Potential increase in antisocial behaviour (*paragraphs 66 - 68*)
  - Increased traffic & parking issues (*paragraphs 69 - 80*)
  - Disruption of building works (*paragraphs 81 - 83*)
  - Consultation Process and Statutory Objection Period (*paragraphs 84 - 106*)
  - Limitations of the proposed site (*paragraphs 107 - 120*)
  - Future use of existing school site (*paragraphs 121 - 124*)
  - Reduced access to Maindy site as public open space (*paragraphs 125 - 136*)
  - Impact on Maindy Leisure Centre and its users (*paragraphs 137 - 143*)
  - Closure of Maindy Velodrome and planned replacement (*paragraphs 144 - 168*)
  - Accessibility of the replacement velodrome (*paragraphs 169 - 172*)
  - Request for reinstatement of and maintenance of bowling greens (*paragraphs 173 - 175*)
  - Non-compliance of development proposals with Council's planning policies (*paragraphs 176 - 181*)
  - Existing Land Covenant (*paragraphs 182 - 186*)
  - The Future of Companies House/ Maindy Barracks (*paragraphs 187 - 189*)
  - Alternative suggestions (*paragraphs 190 - 215*)
- Admissions and Catchment areas (*paragraphs 216 - 222*)
- Partnerships (*paragraphs 223 - 227*)
- Impact of the proposal on the Welsh Language (*paragraphs 228 - 230*)
- Project Funding - Mutual Investment Model (MIM) (*paragraphs 231 - 235*)
- Local Member consultation (where appropriate) (*paragraph 236*)
- Scrutiny Consideration (*paragraph 237*)
- Reason for Recommendations (*paragraph 238*)

14. The draft Cabinet report also provides details on the following areas:

- Financial Implications (*paragraphs 239 - 245*)
- Legal Implications (including Equality Impact Assessment where appropriate) (*paragraphs 246 - 252*)
- Well Being of Future Generations (Wales) Act 2015 (*paragraphs 253 - 261*)
- HR Implications (*paragraphs 262 – 265*)
- Property Implications (*paragraphs 266 – 270*)
- Traffic and Transport Implications (*Paragraphs 271 - 289*)
- EIA (*paragraphs 280 – 281; plus Appendix 6*)

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

- Appendix 1: Cabinet Report, 17 December 2020
- Appendix 2: Consultation Document
- Appendix 3: Cabinet Report, 17 June 2021
- Appendix 4: Statutory Notice
- Appendix 5: Cabinet Report, 18 March 2021
- Appendix 6: Statutory Screening Tool and Equality Impact Assessment

### **Recommendations set out in the Cabinet Proposals**

16. Cabinet is recommended to:

- (i) Approve the proposals in respect of changes to Cathays High School, as set out in paragraph 1 of the Cabinet report, without modification, subject to the Charity Commission's consent in relation to the trust on the Maindy site
- (ii) Authorise officers to take the appropriate actions to implement the proposals as set out in paragraph 1 (of the Cabinet Report as at Appendix A)
- (iii) Authorise officers to publish the decision within 7 days of determination of the proposal.

- (iv) Note that a further report will be brought to Cabinet in relation to Trust and Property matters.
- (v) Delegate authority to the Director of Education & Lifelong Learning (in consultation with the Cabinet Members for Education, Employment & Skills and Finance, Modernisation & Performance, the Director of Governance and Legal Services, the Director of Economic Development and the Corporate Director for Resources) to determine all aspects of the procurement process (including for the avoidance of doubt development of all procurement documentation and selection and award criteria, commencement of procurement through to award of contracts) for the new build schools.

### **Scope of Scrutiny**

17. 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 14 October 2021.

### **Previous Scrutiny**

18. At a meeting of this Scrutiny Committee on the 15 December 2020<sup>1</sup>, Members considered the Cabinet's proposals in relation to the consultation exercise for Cathays High School. The Committee considered the output from the consultation at its meeting on the 15 June 2021<sup>2</sup>.

### **Way Forward**

19. 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

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<sup>1</sup> [Agenda for Children and Young People Scrutiny Committee on Tuesday, 15th December, 2020, 4.30 pm : City of Cardiff Council \(moderngov.co.uk\)](#)

<sup>2</sup> [Agenda for Children and Young People Scrutiny Committee on Tuesday, 15th June, 2021, 4.30 pm : City of Cardiff Council \(moderngov.co.uk\)](#)

Manager – Planning and Provision) will present the report to the Committee, and be available to answer any questions Members may have.

20. 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**

21. 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**

22. 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**

**07 October 2021**